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# Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

## Note by the Secretary-General

The General Assembly, at its fifty-third session, adopted resolution 53/53 entitled "Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories", in which, among other matters, it requested the Special Committee

> "... pending complete termination of the Israeli occupation, to continue to investigate Israeli policies and practices in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, especially Israeli lack of compliance with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to consult, as appropriate, with the International Committee of the Red Cross according to its regulations in order to ensure that the welfare and human rights of the peoples of the occupied territories are safeguarded and to report to the Secretary-General as soon as possible and whenever the need arises thereafter;
>
> "... to submit regularly to the Secretary-General periodic reports on the current situation in the occupied Palestinian territory, including Jerusalem;
>
> "... to continue to investigate the treatment of prisoners in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967."

The Special Committee, as in previous years, reports to the General Assembly through the Secretary-General.

The attached periodic report of the Special Committee covers the period 6 November 1998 to 31 January 1999.

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# Contents


| | | Paragraphs | Page |
|---|---|---|---|
| I. | Introduction | 1–5 | 3 |
| II. | Situation of human rights of the Palestinian people in the occupied territories: Gaza, the West Bank and East Jerusalem | 6–208 | 3 |
| | A. General introductory observations | 6 | 3 |
| | B. Conditions that are restrictive with respect to Palestinians in Gaza, the West Bank and East Jerusalem | 7–100 | 3 |
| | 1. Restrictions relating to land, housing and water | 7–79 | 3 |
| | 2. Restrictions affecting movement of Palestinians within, between, and their exit from and re-entry into the occupied territories | 80–100 | 13 |
| | C. Manner of implementation of restrictions | 101–191 | 15 |
| | 1. Delays and difficulties in granting authorizations | 101–103 | 15 |
| | 2. Checkpoints | 104–106 | 16 |
| | 3. Interrogation procedures | 107–110 | 16 |
| | 4. Administrative detention and conditions of detention | 111–116 | 17 |
| | 5. Imprisonment and conditions of imprisonment | 117–140 | 17 |
| | 6. Question of the use of force | 141–186 | 20 |
| | 7. Aspects of the administration of justice | 187–191 | 26 |
| | D. Economic, social and cultural effects that such a general system of regulation and the manner of its enforcement has on the lives of the people of the occupied territories | 192–201 | 26 |
| | E. General sense of hopelessness and despair | 202–208 | 27 |
| III. | Situation of human rights in the occupied Syrian Arab Golan | 209–216 | 28 |

# I. Introduction

1. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories was established by the General Assembly in its resolution 2443 (XXIII) of 19 December 1968.

2. The Committee is composed of three Member States appointed by the President of the General Assembly. The members of the Committee are presently: John de Saram, Permanent Representative of Sri Lanka to the United Nations (Chairman); Absa Claude Diallo, Permanent Representative of Senegal to the United Nations Office at Geneva; and Hasmy Agam, Permanent Representative of Malaysia to the United Nations.[1]

3. The Committee held its first session at the United Nations Office at Geneva from 3 to 5 March 1999, and among other matters considered its organization of work for the year 1999. The Committee also considered and adopted its first periodic report to the General Assembly, covering the period 6 November 1998 to 31 January 1999.

4. The first periodic report of the Committee contains, as in previous years, a summary of articles appearing in the newspapers *Ha'aretz* and the *Jerusalem Post* published in Israel, with reference to the occupied territories, and articles appearing in *The Jerusalem Times* published in the occupied territories and having bearing on matters falling within the terms of reference of the Special Committee.

5. As in previous years, the present report is submitted to the General Assembly through the Secretary-General.

# II. Situation of human rights of the Palestinian people in the occupied territories: Gaza, the West Bank and East Jerusalem

## A. General introductory observations

6. The passages below are essentially summaries of newspaper reports in which certain references are maintained, as in past years, with a view to setting the context for the observations made.

[1] Datuk Hasmy Agam, Permanent Representative of Malaysia to the United Nations, succeeds Dato'Abdul Majid Mohamed.

## B. Conditions that are restrictive with respect to Palestinians in Gaza, the West Bank and East Jerusalem

### 1. Restrictions relating to land, housing and water

#### Land

7. On 6 November 1998, it was reported that according to the Wye memorandum, the part of the area (Area A) fully controlled by the Palestinian Authority would increase from 3 to 18.2 per cent, and that Israel would withdraw from 13 per cent of Area C which it fully controls. This would result in Palestinians having full or partial control over 40 per cent of the West Bank, while Israelis would control the remaining 60 per cent. (*Ha'aretz*, 6 November)

8. On 10 November, residents from the West Bank villages of Khader and Sinjel confronted Israeli bulldozers, preventing them from levelling land. Villagers held a sit-in on the land, which is threatened by confiscation in view of the construction of a new road. (*The Jerusalem Times*, 13 November)

9. On 11 November, after three days of deliberations, the Israeli Cabinet conditionally approved the Wye memorandum. The Government also approved the opening the following week of the Gaza airport as well as the construction of 11 bypass roads in the West Bank. If the Wye agreement was implemented after a 12-week period, the territory under full Israeli control would decline from 73 to 60 per cent of the West Bank, while the percentage of territory under full or partial Palestinian control would increase from 27 to 40 per cent. Of the 40 per cent, territory under full Palestinian control would rise from 3 to 18.2 per cent. Israeli Prime Minister Netanyahu stated that if the Knesset approved the accord the following week, Israel would cede 2 per cent of the territory and release 250 of the 750 Palestinian prisoners held by Israel. (*Ha'aretz*, 12 November)

10. On 13 November, it was reported that since the signing of the Wye memorandum on 23 October, settlers had been seizing Palestinian land and establishing makeshift operations in several locations in the West Bank. The Israeli Government has allowed the land seizures, and in some cases had supervised the settlement activities. Recent activities included:

(a) Settlers from the Ataret Kohanim settlement fenced in an Arab house at Ras al Amud in Jerusalem;

(b) Settlers at Hebron began construction to expand the Kiryat Arba settlement, bulldozing 80 dunums (one dunum is equal to 1,000 square metres or one quarter of an acre) of land for a commercial company and 200 extra houses;

(c) Settlers seized land northwest of Ramallah, near Dolev and Talonim, to establish the Gavat Horshem settlements;

(d) The hills between Nablus and Ramallah near the Shiloh settlements have been seized for developments;

(e) Three mobile homes were set up on Palestinian land near Ma'ale Muhmas for the settlement of Matzpe Dume;

(f) Seventeen mobile homes were set up on Palestinian land near Avni Hefetz in the Tulkarem area. Other mobile homes were established near the town of Qalqilyqa and south of Nablus;

(g) Settlers in Gush Etzion installed mobile homes on a hill owned by villagers from the outskirts of Bethlehem;

(h) Three hundred dunums of land were confiscated by order of the Israel Defence Forces (IDF) at Al-Dahirya, south of Hebron;

(i) Land was seized in the North and South of the West Bank for the bypass road to create links between the settlements. (*The Jerusalem Times*, 13 November)

11. On 17 November 1998, it was reported that settlers continued to maintain a stronghold on a hilltop, near the settlement of Qadumim, in the North of the West Bank. The hilltop was occupied by about 30 settlers who set up two mobile homes, shortly after the Israeli Foreign Minister, Ariel Sharon, called on settlers to expand their settlements. A police spokesman said the police received instructions to evacuate the settlers. (*The Jerusalem Times*, 20 November)

12. On 19 November, it was reported that 25 Palestinian Bedouin families from the Jahalin tribe would be forced to leave their land due to the construction of an Israeli bypass road that was intended to link the Kfar Adomem and A'lmon settlements. It was also reported that dozens of dunums belonging to the Bane-Na'im village would be confiscated for the building of a bypass road to link another two settlements. Palestinian villages Al Zaweya, Galud, Yibna, Kofur Kadum, Kafil Haris, Karyut and Haja are slated for land confiscation due to the construction of a third bypass road which is meant to connect Al Zaweya and Tapuah Junction. (*Ha'aretz*, 20 November)

13. On 20 November, it was reported that the "Peace Now" movement was considering an appeal with the High Court of Justice to keep the "Samaria" Regional Council from treating Rahalim as a civilian settlement. Earlier this week, the land on which Rahalim is located was declared "state" rather than untitled "survey" land, which gave the authorities the right to develop the area as a settlement. Rahalim was established in 1992 but never received full governmental recognition. State land was a concept that entered the political lexicon in 1980, following a landmark court case that rejected the expropriation of private Arab land near Nablus for settlement purposes. Then Prime Minister Menachem Begin established a committee, chaired by Ariel Sharon, to come up with a method of obtaining land that would stand up in court. Sharon succeeded, and the concept of state land came into being. (*Jerusalem Post*, 20 November)

14. On 20 November 1998, it was reported that scores of settlers occupied a hill at the West Bank village of Hajeh. Soldiers had forcibly evacuated the settlers. In a related development, Israel had begun building fortifications in the Jewish settlements in the West Bank. (*The Jerusalem Times*, 20 November 1998)

15. On 20 November, Israel implemented the first stage of redeployment from the West Bank in the light of the Wye accord, adding 7 per cent to the area under full Palestinian control. (*The Jerusalem Times*, 27 November)

16. On 20 November 1998, it was reported that over 50 per cent of the coastal Mawasi area in the Gaza Strip had been confiscated by Israel since the Oslo Accords of 1993. The councillor for Mawasi in the municipality of Rafah, Khaled Nada, affirmed that the confiscation was for the purposes of settlements so as to disrupt the road network between the coastal area and the town of Rafah. Nada also described the daily harassment of Palestinian fishermen by the Israeli coastal guard in the Mawasi waters. (*The Jerusalem Times*, 20 November)

17. On 22 November, protesters gathered at the Ghuzlan house to prevent more settlers from occupying another house in the East Jerusalem neighbourhood of Silwan. The Israeli courts had stated that the property in which the Ghuzlan family lived at Silwan belonged to the Jewish National Fund. The eviction was rescinded until 1 January 1999 following the demonstration of solidarity. (*The Jerusalem Times*, 27 November)

18. On 27 November, it was reported that the hills near Nahal Te'enim had been bustling with activity, as hundreds of men, women and youth from the settlement of Kedumim worked with volunteers to "save" approximately 9,000 dunums of nearby state land. The hills and valleys were slated to be transferred to Palestinian control as area B. It

was also reported that the settlers recently established "patrol units" for maintaining a presence in the open areas among Kedumim, Avnei Hevetz and Kochav Yair, and constructed a 13-kilometre road toward Nahal Te'enim for easier access to the hills. In the last meeting of the Ministerial Committee on the second redeployment, ministers learned from one of the Kedumim settlers that approximately 1,500 dunums of adjacent land was privately owned and was bought by a group of 400 Jewish families 17 years ago. It had been sold to them by land dealer Moshe Zer, who claimed that he earlier purchased it from Palestinians in the area. One of the 400 buyers was current Education Minister Yitzhak Levy. In 1983, the Government decided to establish the settlement of Te'enim in the area, but the plan was never realized. Approximately two years earlier, 1,500 dunums were to be allocated for the Kedumim Gimel neighbourhood, but that plan was also abandoned. (*Ha'aretz*, 27 November)

19. On 2 December, after a violent attack on an Israeli car at Ramallah, the Israeli Government announced to the Palestinian Authority that the next stage of withdrawal from the West Bank would not be carried out if the Palestinian Authority did not halt violence and stop demanding the release of certain prisoners, namely those with "blood on their hands". It also demanded that the Palestinian Authority make a clear statement that it would not unilaterally declare statehood, and that the final status of the territories would be negotiated between the parties. The Palestinian Authority rejected Israeli demands and stated that it had appealed to the Americans to step in to help resolve the crisis. The Palestinian Authority said that none of the three demands were included in the Wye memorandum and that Israel should adhere to the agreement. (*Jerusalem Post*, *Ha'aretz*, 3 December)

20. On 8 December, Foreign Minister Ariel Sharon informed the United States of America that the next redeployment under the Wye agreement would not take place on December 18, as planned. Sharon accused the Palestinian Authority of having violated "each and every section of the Wye accord", as well as inciting a "new *intifadah*". A senior official in the Prime Minister's Office stated that while the redeployment would not take place on December 18, it could be carried out later "if the Palestinians fulfill their obligations". (*Jerusalem Post*, 8 December)

21. A report by the Palestinian Society for the Protection of Human Rights and the Environment (LAW) provided the following account of the recent land confiscation in the occupied territories:

(a) On 24 October, the Israeli authorities drew up a structural plan which resulted in the confiscation of thousands of dunums of land belonging to the villages of Azoun, Kufur Thulth and Bidya for the benefit of the Ma'ale Shamron settlement;

(b) An estimated 20 dunums of land belonging to the Kufur Qadoum village were confiscated by the Israeli authorities on 12 December for the benefit of the Qadomim settlement;

(c) On 19 November, the Israeli authorities announced the confiscation of significant portions of land in the West Bank and the expansion of settlements. Israeli officials claimed that the land taken was a "no-man's land" and therefore Israeli state property;

(d) The Israeli authorities have confiscated the property of two Palestinians, Taher Hamdan and Hamdan Taher, from the Kufur Alubad village in the district of Tulkarem;

(e) On 11 December, it was reported that the Israeli Government had plans to confiscate an additional 4,763 dunums of land in the village of Ya'bud in the Jenin district in order to expand the surrounding settlements. (*The Jerusalem Times*, 11 December)

22. The Israeli Housing Ministry received bids from seven Israeli contractors for building at the Jewish settlement of Har Homa on Jebel Abu Ghneim in East Jerusalem. According to Israeli sources, construction work could begin in a few weeks or a few months. Settler leaders suggested that governmental subsidies be accorded to encourage Israelis to buy homes at Har Homa. In further settlement news, the Ministry issued tenders for the construction of 650 additional housing units at Betar Ilit, a religious settlement located south of Jerusalem with a population of 10,000. (*The Jerusalem Times*, 8 January)

23. The Israeli Archaeological Authority reportedly told Jewish-American millionaire Irving Moskowitz that he could proceed with his plans to build a Jewish neighbourhood at Ras al Amud, in the heart of the East Jerusalem Arab quarter. (*The Jerusalem Times*, 8 January)

24. On 3 January 1999, Israeli television reported that a settlement consisting of 7,000 housing units was under construction in the Ramallah area. The first stage of infrastructure construction at the Zion settlement had been completed, and 1,000 housing units had already been sold. (*The Jerusalem Times*, 8 January)

25. On 10 January, Prime Minister Binyamin Netanyahu stated that Israel would annex sections of the West Bank if Palestinian Authority President Yasser Arafat declared a

Palestinian state on 4 May. "Israel reserves the right to extend Israeli law to the territories under its control if Arafat and the Palestinians violate the agreement they have signed", a Cabinet statement quoted Netanyahu as saying. "We will not allow Arafat and the Palestinians to determine the borders of our State and the future of our capital", he added. "We will continue to adhere to our firm and clear policy, which doesn't allow for the creation of a Palestinian state in the heart of the land of Israel, and we will not allow Jerusalem to be redivided". (*Jerusalem Post*, 11 January)

26. On 18 January, an Israeli citizen of Palestinian origin, attorney Elias Khori, was awarded a tender to develop 3,600 square metres of land along the pre-1967 dividing line at Jerusalem. This was the first time that the Israel Land Authority had sold state land in Jerusalem to an Arab. In recent years, a "land war" had been under way between Jewish and Arab groups seeking to acquire real estate along the border of East Jerusalem and West Jerusalem. Faisal al Husseini, the Palestinian Authority's Minister for Jerusalem Affairs, has called for efforts to block Jewish land purchases in the area. Jewish groups vying for land in East Jerusalem expressed their anger over the sale of the land to an Arab. Khori, a resident of East Jerusalem, said that his purchase was strictly a business venture, devoid of political motives. He denied any official connection with the Palestinian Authority and condemned the "ugly and racist cries of anger" voiced by one of the unsuccessful Jewish bidders. (*Ha'aretz*, 19 January)

27. On 19 January, it was revealed that Ehud Olmert, the mayor of Jerusalem, had asked the Interior Ministry not to publish the tenders for Jerusalem's new district master plan; if the tender had already been published, he asked the Ministry to not promote detailed preparation of the master plan. Olmert explained to the Ministry that he sought to avoid interruptions in his intended expansion of Jerusalem and the establishment of an "umbrella" municipality. The establishment of an umbrella municipality of Jerusalem was approved by the Israeli Cabinet in February 1997. The Cabinet decided to keep its resolution secret, assuming that the establishment of Israeli law on the eastern outskirts of Jerusalem, including M'aleh Adumim and Giva't Ze'ev, would be difficult. Following the decision to establish an umbrella municipality, a special governmental committee for Jerusalem affairs prepared a plan, approved by the Israeli Cabinet in June 1998, which entailed the establishment of an umbrella municipality for Jerusalem and settlements beyond the Green Line East of the capital. Binyamin Netanyahu, after criticism by Americans, announced that Israel had no intention of changing the status of Jerusalem or to annex territories to its jurisdiction. (*Ha'aretz*, 19 January)

28. On 26 January, it was reported that Israel had completed the first preparations which would permit installing multi-floor mobile homes at Tel Rumeida in Hebron. Archaeological work would continue at the same time. Following the killing of Rabbi Shlomo Ranaan in August 1998, the Israeli Government had slated nearly $3 million to build a Jewish settlement in the H2 area, the part of Hebron which was under Israeli control. (*The Jerusalem Times*, 29 January)

**Settlements**

29. On 2 November 1998, it was reported that United States officials believed that they had obtained a verbal commitment from Prime Minister Netanyahu at the Wye summit that Israel would not build at Har Homa any time soon, nor would it engage in "substantial" expansion of existing settlements. This was denied by a spokesman for Netanyahu, who stated that the "natural growth" of settlements could continue. The Wye memorandum states that "neither side shall initiate or take any step that will change the statute of the West Bank and Gaza Strip in accordance with the Interim Agreement". The Prime Minister himself stated on 31 October that by the year 2000, construction would be completed at Har Homa. (*Ha'aretz*, Internet version, 2 November)

30. On 2 November, four Palestinians and five police officers were slightly injured during a violent confrontation in the East Jerusalem neighborhood of Ras al Amud, near the site owned by American millionaire Irving Moskowitz. The clashes interrupted work on the site's perimeter fence for a few hours. They began when police officers guarding the site used force to prevent Palestinians from entering. The Palestinians charged that the work which had begun several days earlier was an attempt to create facts on the ground in violation of the Wye accords. Faisal al Husseini, the Palestinian Authority Jerusalem Affairs Minister, who was among the protesters and was injured himself, stated that he had never witnessed such violence by police officers: "... there were very few of us and the use of force was exaggerated. There was no need for so much violence." (*Ha'aretz*, 3 November)

31. On 4 November, it was reported that the United States Secretary of State was worried by construction at Ras al Amud, East Jerusalem, and had asked for clarification on Israeli construction plans announced at Kiryat Arba. A State Department spokesperson reiterated that article 5 of the Wye memorandum specifically forbade unilateral actions that

could prejudice the final status talks. (*Ha'aretz*, Internet version, 4 November)

32. On 4 November, the Civil Administration of the West Bank authorized the expansion of Rehan, a settlement near Jenin. This expansion would include the expropriation of several hundred dunums from the nearby village of Yabud. In an aerial verification of settlement activity, conducted the previous month by Peace Now leader Mossi Raz, a paved road to an illegal extension of the Ofra settlement was spotted. A Civil Administration spokesperson confirmed the extension and said that authorities had confiscated a cement mixer from the site. Meanwhile, eight settler mobile homes remained on the hill, while an additional 17 mobile homes were brought with permission from the Civil Administration to the Avni Hefetz settlement, East of Tulkarem. (*Ha'aretz*, Internet version, 5 November)

33. On 5 November, it was reported that between 10 and 18 settlements would be located only 500 metres from the areas fully controlled by the Palestinians (Area A), now referred to as "enclaves" by the army. This is according to participants of the Cabinet meeting convened to discuss the Wye accord. According to settler sources, the 13 per cent withdrawal would seriously isolate the 18 settlements. (*Ha'aretz*, *Jerusalem Post*, 6 November)

34. On 5 November, Interior Minister Elyahu Swessa revealed that since the Oslo agreement, his ministry has transferred annually 30 million new shekels (NIS) to the settlements for security and other social needs. Swessa said that both Prime Minister Netanyahu and Defence Minister Yitzhak Mordechai had assured the Shas party leader that they would strengthen the settlements in the West Bank and Gaza Strip after ratification of the Wye memorandum. Meanwhile, Israeli Radio reported that the Housing Ministry had issued a tender for the establishment of 130 housing units at Avni Hefetz, East of Tulkarem. (*Ha'aretz*, *Jerusalem Post*, 6 November)

35. On 7 November, during a speech he presented at a political rally in support of the Mayor of Jerusalem, Prime Minister Netanyahu promised that Israel would continue to build throughout Jerusalem. He also pledged that construction at Har Homa would start before the year 2000. (*Ha'aretz*, 8 November)

36. On 9 November, it was reported that during the two weeks since the signing of the Wye accord, settlers had taken possession of at least five new hilltops. The hilltops were taken without official authorization, but it seemed that the settlers had strong political support, including that of senior Ministers. On the other hand, the expansion of "old" hilltops was continuing, as is the building of new roads to link these hilltops. The new hilltops were Giva't-Horshah in the North-East of Ramallah, Giva't-Ha'eesh in Gosh-etsyon, Giva'h 759 in the North of Ramallah, Giva'a 7, close to the settlement of Eeli, and Mitspeh-Dani, East of Ramallah. (*Ha'aretz*, 9 November)

37. On 12 November, the Housing Ministry issued the first tender for the construction of 1,025 homes at the Har Homa settlement, on Jebel Abu Ghneim in East Jerusalem. The tender included 16 housing units and was part of a plan to build 6,500 homes. Prime Minister Netanyahu refused to provide detailed information on the matter but stated that his Government was determined to strengthen Jerusalem. (*Ha'aretz*, 12 November)

38. On 12 November, the United States denounced the Israeli decision to issue tenders for over 1,000 homes at Har Homa. President Clinton's spokesperson stated that the United States was "very disappointed by the government's decision", which he called "inconsistent with the spirit of the Wye agreement and with the need to create a positive atmosphere for permanent status talks." (*Jerusalem Post*, 13 November)

39. On 20 November 1998, it was reported that in recent days, Israeli settler leaders had accelerated their plans to expand settlements before the implementation of the Wye agreement, which stipulated Israeli withdrawal from 13 per cent of the West Bank. In a related development, the settlers forwarded 117 proposals to the military authorities, opposing the map depicting the second withdrawal. Sixty-one proposals were accepted by the Israeli Defence Minister. Work on three of 12 bypass roads started in the West Bank to allow settlers to travel without passing through Arab villages. The work implied the uprooting of many olive groves belonging to Palestinian farmers. (*The Jerusalem Times*, 20 November)

40. On 14 November, it was reported that during the previous week a truck carrying mobile homes to the Rehalem settlement near Nablus ran through an army roadblock, nearly hitting two soldiers. Rehalem was established in 1991 without government authorization. Nevertheless, the Defence Ministry is pushing to legalize this settlement's status. Meanwhile, it was reported that a wide range of infrastructure work in the settlement had begun recently. (*Ha'aretz*, 15 November)

41. On 15 November, members of the Council of Jewish Settlements in the West Bank and Gaza Strip stated after a meeting with Defense Minister Yitzhak Mordechai, Foreign Minister Ariel Sharon and IDF commanders that they would continue to establish "facts" in advance of a pullback. In a previous meeting with settler leaders, Sharon stated in a

speech that settlers should "run, grab hills" to establish facts on the ground before a pull-back took place. (*Ha'aretz*, 16 November)

42. On 16 November, it was reported that it took less than 24 hours for settlers to heed Foreign Minister Ariel Sharon's advice to establish facts on the ground and take control of hilltops. By noon of 16 November, several mobile homes had been set up on a hilltop near Nahal Te'enim, West of Kedumim. A group of 30 settlers arrived at the hilltop but were later dispersed by security personnel. The settlers vowed to return. Furthermore, Israel television reported that a new settlement called Givat Harel had been established within the jurisdiction of the Shilo settlement but at a certain distance from that community. It was also revealed that Prime Minister Netanyahu had pledged quietly more than a year ago to the Clinton Administration that settlements would only be expanded to immediately contiguous areas. *Ha'aretz* learned this fact from five different senior Israeli and United States officials. However, in the terms of Netanyahu's pledge, the term "immediately contiguous" areas referred to land directly adjoining existing housing, without specific limits on how many homes could be added as long as one followed another. (*Jerusalem Post, Ha'aretz*, 17 November)

43. On 17 November, as the Knesset prepared to vote on the Wye memorandum and the implementation of the second withdrawal, settlers at Kedumim tried to maintain a stronghold for the third day on a hilltop West of the Nahal Te'enim settlement. Speaking on the Arutz 7 radio station, Kedumim mayor Daniella Wiess stated that settlers had started building a stone structure and planned to build a new neighbourhood there. The area consists of 1,500 dunums of state and privately purchased land. One of the landowners is Education Minister Yitzhak Levy. Wiess stated that settlers had been preparing for months to take over the Nahal Te'enim hilltop, as they began paving a 13-kilometre (km) stretch of road to allow easy access to the site. They intensified their activities as the threat of the second withdrawal loomed. (*Jerusalem Post*, 18 November)

44. On 18 November, the Knesset Finance Committee approved the transfer of NIS 20 million from government reserves for construction in settlements in the West Bank and Gaza Strip. A Committee statement said the money would be transferred to the Housing and Construction Ministry as part of the second redeployment from the West Bank. The total already set aside for this purpose stands at NIS 52 million. Meanwhile, it was reported that since the signing of the Wye accord, some eight outposts had been established by settlers in the West Bank. (*Jerusalem Post, Ha'aretz*, 19 November)

45. On 22 November, a group of 30 settlers occupied a deserted railway building at Sabastya, planning to open a Kollel (advanced Talmud academy for married yeshiva students) and construct a museum. This site symbolizes the beginning of settlement activities in the West Bank back in the mid 1970s. The 30 settlers hoisted flags and prepared to stay overnight but followed army instructions and vacated the site, vowing to return. Another group of settlers pitched tents on a hilltop near the Itamar settlement, bringing along some furniture and a generator. The Defense Ministry promised to "seriously consider" allowing a "permanent Jewish presence" at the deserted railroad station at Sabastya after the settlers presented documents allegedly proving that the station and surrounding area belonged to the World Zionist Organization. The settlers also argued that they were within the jurisdiction of the Samaria Regional Council and produced permits from the Regional Council to stay in the area. (*Jerusalem Post, Ha'aretz*, 23 November)

46. On 23 November, Prime Minister Benjamin Netanyahu met with residents of northern Samaria (West Bank) settlements to offer assurance that their communities would remain an integral part of Israel. Netanyahu told the head of the Samaria Regional Council that it would receive NIS 2.5 million for social needs. In related developments, a group of settlers took over a hilltop near Elon Moreh. IDF declared Hill 777 near Itamar a closed military zone and demanded the departure of the group which had established an encampment there. (*Jerusalem Post, Ha'aretz*, 24 November)

47. On 25 November, it was reported that the Knesset Finance Committee was to vote on the transfer of an additional NIS 17.5 million from general reserves for use in the territories, in implementation of the Wye accord. (*Jerusalem Post*, 25 November)

48. On 29 November, IDF intervened after violence broke out between Palestinians and settlers from Biet-El. The Palestinians were protesting against the settlers' attempt to refurbish a house that lies at the edge of the settlement. The army declared the area a closed military zone. Settlers started renovating the building the previous week and claimed that Palestinians had ransacked it. An Israeli officer stated that he believed the house belonged to a local Palestinian villager, but that official investigation was still under way. (*Jerusalem Post, Ha'aretz*, 30 November)

49. On 30 November, the final results of the Palestinian census were released, showing that nearly three million Palestinians live in the West Bank, including Jerusalem and the Gaza Strip. Approximately 1.9 million Palestinians live in the West Bank and 1.02 million live in the Gaza Strip. An

official from the Palestinian Central Bureau of Statistics stated that the efforts to gather information for the first Palestinian census in Jerusalem were hindered by Israel. The census revealed that 95 per cent of the houses were connected to the water and electricity networks, while only 33 per cent of them were connected to the sewage network. (*Jerusalem Post*, 1 December; *Ha'aretz*, 2 December)

50. On 1 December, it was revealed that the contract between the Israel Land Administration and potential contractors to build in the Har Homa settlement would include a clause to the effect that "the Land Administration is entitled to give an order to halt construction at the Government's discretion". Contractors who toured the site with Israeli officials three weeks after the issuing of tenders were told unofficially that the Government was trying to avoid paying them compensation if it were to decide, for political reasons, to halt the construction work. Infrastructure work at Har Homa had already started the year before, but the tenders for construction were suspended for political reasons by Prime Minister Netanyahu. Immediately after the signing of the Wye memorandum, Netanyahu gave orders to invite submission of the tenders. (*Ha'aretz*, 2 December)

51. On 3 December, the Ateret Cohanim organization threatened to appeal to the High Court of Justice if Prime Minister Netanyahu tried to prevent the start of construction at the controversial Ras al Amud site in East Jerusalem. Building at the site was expected to start during the forthcoming month. Ateret Cohanim stated that if the Government prevented construction under the pretext that the work would threaten national security, it would respond by arguing in court that "the government is trying to reward rioters". The question could become an issue the next week when the businessman from Miami, Irving Moskowitz, who purchased the site and was pushing for its development, would arrive with a group of wealthy right-wing donors. Moskowitz was trying to set up meetings between his group and Netanyahu as well as other top Knesset members of the so-called "national camp", to determine who the group would back financially in the upcoming elections. (*Jerusalem Post*, 3 December)

52. On 7 December, while visiting the disputed neighbourhood of Silwan, East Jerusalem, Prime Minister Netanyahu vowed to do everything to help settle more Jews in the area. Netanyahu said that although there were "as yet" no plans to settle more Jews at nearby Ras al Amud, the Government was actively encouraging settlement at Silwan. It was reported that there were 20 Jewish families, all members of the settler group Elad, living in the Palestinian neighbourhood of Silwan, and many more had signed up to move in. (*Jerusalem Post*, 8 December)

53. On 8 December, settlers from Har Bracha moved five mobile homes to a hilltop approximately one kilometre from the community, as part of the continuing struggle to "create facts on the ground" and prevent additional land from being transferred to the Palestinians. A spokesperson for the Civil Administration stated that the mobile homes were placed on a hilltop that falls within the community's boundaries and the action of the settlers was not illegal. Kedumim settlers stepped up their activities and began setting up encampments on the hilltops overlooking the valley. They had built several roads in the valley area and planned to build others. The Kedumim settlers had mapped out "state land" and prepared an overall plan which had been registered with the Housing Ministry. (*Jerusalem Post*, 9 December)

54. A report by the Palestinian Society for the Protection of Human Rights and the Environment (LAW) provided the following account of recent settlement activities in the occupied territories:

(a) The Ministry of Housing submitted construction plans to the Israeli District Committee for the establishment of a new settlement in the northern part of East Jerusalem. The plan includes the construction of 1,300 housing units that will lie between the settlements of Pisgat Zeev and Neve Ya'coub;

(b) The hills of Huwara and Ein Yabous were expropriated by settlers from the Yitzhar settlement in the Nablus district;

(c) Four mobile homes were set up 300 metres East of the Brach settlement;

(d) Three mobile homes and two greenhouses appeared on top of the hill known as hill 7, located two kilometres west of the Eli settlement;

(e) Seven mobile homes were installed on a hill one kilometre east of the Alon Shabot settlement;

(f) Three mobile homes were installed in the region of Um Al Akhwass, East of Yatta in the district of Hebron;

(g) A mobile home was installed in the region of Um Al Arayes, East of the Susiya settlement near Yatta;

(h) Settlers from Shafi Shomron seized the Masoudieh Hill earmarked for the building of a religious school and a hotel. The hill, whose surface area is 500 dunums, is the property of residents of Sebastia and Burqa villages;

(i) A hill located one kilometre from the Alon Moreh settlement has been expropriated and a mobile home installed. The site is close to the Islamic shrine of Sheikh Bilal near the Al Hatab area;

(j) Mobile homes have been installed on the borders of the Halmesh settlement, near the town of Bir Zeit. (*The Jerusalem Times*, 11 December)

55. On 13 December, hours after a 15-year-old Palestinian teenage girl from Sebastya had stabbed a 17-year-old Jewish high schoolgirl, settlers from the Shavei Shomron settlement took over a hilltop opposite Sebastya in response to the attack. (*Jerusalem Post, Ha'aretz*, 14 December)

56. On 27 December, the Elad group stated that it soon planned to occupy 10 buildings that it owned in Jerusalem's Silwan neighbourhood. Until the Jewish families waiting to move in did so, Elad stated that it would allow Arab workers to live in the buildings. Elad stated that it hoped to occupy the buildings next month but was waiting for the "right time" in order not to cause an uproar. (*Jerusalem Post*, 28 December)

57. On 29 December, Meretz Member of Knesset and the Peace Now director filed a petition with the High Court of Justice against the Defense Ministry, the Civil Administration of "Judea and Samaria" (West Bank) and the Attorney-General's Office, demanding the removal of what they termed the "illegal encampment" set up by settlers since the signing of the Wye agreement. The petition refers to 10 sites in the West Bank, and claims that in all locations, settlers built access roads leading to the hilltops. Some of the encampments were established under the communities' planning schemes, and others on state land. (*Jerusalem Post*, 30 December)

58. On 2 January 1999, it was reported that West Bank settlements had been expanded by 8,219 dunums of land. This was according to Khalil Tufkaji, who had undertaken a study of the settlements on behalf of the Palestinian Authority. Tufkaji told Voice of Palestine that an additional 8,400 dunums had been built in 1998 on land annexed to Jerusalem in 1967. A total of 9,000 housing units had been built during the last year and work had commenced on 18,036 dunums of bypass roads, according to Tufkaji. (*Ha'aretz*, 3 January)

59. On 31 December 1998, the Israeli Housing Ministry published a tender for the construction of more than 1,000 new housing units in two West Bank settlements. The tender called for 651 housing units to be built in the Betar Illit and 400 housing units to be built in the Ofarim settlement. A Housing Ministry spokesperson stated that the units were to be built in order to accommodate the natural growth of the settlements. According to *Ha'aretz*, the Housing Ministry tried to market this tender during the previous year but was unsuccessful mainly due to the uncertain future of the West Bank settlements. Thousands of homes which were built by the Israeli Government last year stand empty, added *Ha'aretz*. It was also mentioned that during the first 11 months of 1998, the Government had started to build 1,020 housing units in the West Bank. All were included in tenders published in 1997. A Peace Now spokesperson condemned the tender publication, alleging that the Housing Ministry was "going wild in light of the upcoming elections". Betar Illit, a primarily Haredi (ultra orthodox Jewish) town with a population of more than 12,000, is located near Gush Etzion. Approximately 15 minutes by car from Jerusalem, the town was described by local councilman Akiva Ovits as a cheap residential alternative for the Haredim who could not afford to live in Jerusalem or Bnei Brak. (*Jerusalem Post, Ha'aretz*, 1 January)

60. On 1 January 1999, it was reported that after preliminary excavation, the Antiquities Authority had granted approval to the Jewish religious foundation Ateret Cohanim to commence building on controversial property in the Arab-populated Jerusalem neighbourhood of Ras al Amud. Construction had been postponed for eight months at the request of Prime Minister Netanyahu, following Palestinian demonstrations in September 1997. The site is particularly controversial because Ras al Amud controls the only access to eastern Jerusalem from Abu Dis, a large suburb under the Palestinian Authority that is located just outside Jerusalem. Wealthy right-wing Miami Jew Irving Moskowitz owns the site. According to the *Jerusalem Post*, Moskowitz was planning to visit Israel in the coming months as part of a group of right-wing American Jews who intended to meet with top leaders of the Israeli "national camp", explore the political situation and decide where to place their financial support. Moskowitz would not confirm these political meetings to the *Jerusalem Post*, saying only that he was coming to inspect his property. (*Jerusalem Post*, 1 January)

61. On 3 January, the Israel Land Authority and the Israeli Housing Ministry accepted final bids from 7 contractors to build 1,025 homes as the first stage of the Har Homa project. Prime Minister Netanyahu and Deputy Housing Minister Meir Porush had recently considered a plan which would provide a NIS 15,000 grant for Har Homa buyers. The plan would also offer a NIS 60,000 loan, half of which does not need to be paid back. An appraiser working for the contractors told the Associated Press that without the subsidies, Har Homa was a money-losing venture. The 1,850-dunum (462.5 acre) site bordered the Palestinian-controlled town of Beit Sahur. "Contractors are afraid to start the project and then have it stopped suddenly" stated Haim Falk, Director-General of B'emuna, a non-profit organization affiliated with the National Religious Party,

which had enlisted over 200 families for the project. B'emuna was one of six organizations registering families who wanted to live at Har Homa. (*Jerusalem Post, Ha'aretz*, 4 January)

62. On 8 January, it was revealed that the Housing Ministry was to market plots of land in the West Bank for building of 3,729 residential units, according to a Ministry document obtained by *Ha'aretz*. Another 1,320 lots were to be made available at the politically controversial site of Har Homa in southern Jerusalem, on top of the 1,000 units which were placed on the market after a year's freeze. The entire building programme includes 19,800 units in Israel and across the Green Line, and amounts to 13.9 per cent less than the 1998 programme of about 23,000 units. The tender to be issued for lots in the West Bank settlements includes 500 units at Ariel, 500 at Alfa Menashe and 400 at the ultra-orthodox Emanuel settlement. In the District of Jerusalem, the programme includes construction of 811 homes at Givat Ze'ev, 636 at the ultra-orthodox Betar, 600 at Ma'aleh Adumim, 182 at Adam and 100 at the Efrat. An additional 404 apartment units are slated to be built at the settlement of Tsur Baher, near Bethlehem, but political objections may delay this project. (*Ha'aretz*, 8 January)

63. On 12 January, American Jewish tycoon Irving Moskowitz and a group of 16 other right-wing American financiers met with Prime Minister Netanyahu. According to the *Jerusalem Post*, the group raised, among others, the issue of Ras al Amud, a Palestinian neighbourhood in Jerusalem in which Moskowitz owned a piece of property. Moskowitz had obtained the permits needed to develop the site, including the construction of 132 apartments for Jews. "We all know that there is a disagreement between me and Dr. Moskowitz regarding the timing of the development," a group member quoted Netanyahu as saying. In response to a later query about Ras al Amud, Moskowitz cut off the speaker and said "There is no question. I have a permit, and I'm going to build, and there's nothing to discuss further," at which point Netanyahu raised his eyes and hands to the sky but said nothing. (*Jerusalem Post*, 13 January)

64. On 13 January, American tycoon Irving Moskowitz stated that Prime Minister Netanyahu would not stop the imminent construction at Ras al Amud. "That's my understanding, very clearly," he said while conducting a tour of the site with part of the delegation that he brought with him from the United States. Netanyahu's Director of Communications, David Bar Ilan, stated "All the permits are there, everything is legal, and there is no way to stop anything like that except public safety. For the time being there doesn't seem any reason to invoke it, but the Prime Minister has not relinquished his right and power to do so."(*Jerusalem Post*, 14 January)

**Roads**

65. On 10 November 1998, it was reported that the construction of the Al Arub bypass road West of a refugee camp in the Bethlehem area was temporarily suspended. IDF feared that building the bypass road, which would require confiscating thousands of dunums of agricultural land surrounding the nearby village of Bet-Ommar, would incite strong protests from Palestinians. Nevertheless, the main plan for constructing another 11 roads as part of the second withdrawal and providing protection for the West Bank settlements is in an advanced stage. It was reported that officers of IDF had toured the land and confiscation orders had been submitted to the Palestinian landowners. (*Ha'aretz*, 10 and 13 November; *Jerusalem Post*, 13 November)

66. On 13 November, it was reported that Israel was carrying out works for a road through the Bethlehem area, which would connect the settlements of Ifrat and Alazer without passing through Arab villages. The road would imply the confiscation of about 4,000 dunums of land in the Bethlehem area. There were similar activities to open roads near the villages of Sinjil, Sarta and Salfit, Israeli sources said IDF would halt the construction of some roads to avoid confrontation with Palestinians, including the Arub road. The Arub road, if constructed, would result in the confiscation of thousands of dunums of land, and would connect the Bethlehem settlements of the Gush Zion block and the Hebron settlements. (*The Jerusalem Times*, 13 November)

67. On 17 November, work started on some three to five of the 12 bypass roads that are to be constructed in order to allow settlers to circumvent Palestinian villages. The roads included a stretch from the Tapuh junction to Rehalim, Peduel to Alei Zahav and near Anata in the Ramallah region. Israel Radio stated that the Defense Ministry had still not given the authorization for work to begin on Al Arub Bypass road near Karmei Tzur. It was reported that the work had severely damaged agriculture land and that dozens of trees had been uprooted. (*Jerusalem Post, Ha'aretz*, 18 November)

68. A report by LAW provided the following account of recent construction of bypass roads in the occupied territories:

(a) Road 61: the road would cut through the land of Baqah Asharqieh at Tulkarem and the valley of Farasin in the Jenin district. It was expected to entail the confiscation of 2,000 dunums of Palestinian agricultural land;

(b) Kufur Adeek road: the new bypass road would cut through land of Broqin, Kufur Adeek and Deir Ballut villages, and the road would link the settlements of Ma'ale Lanona Ele and Shilo. The construction would involve the confiscation of an estimated 1,150 dunums of land, 600 of which are currently under olive groves;

(c) Road 60: this road would lead to the Efrat settlement, and will cut through the villages of Al Khader and Ortas. Residents of the villages were informed about the road but were not shown any maps. They were given five days to lodge an appeal against the order;

(d) Al Arub bypass road: this road would link the settlement cluster of Gush Etzion with the settlement of Ma'ale Adumim. A 60-metre swathe of land would have to be expropriated, constituting a large portion of Beit Ummar's agricultural land;

(e) Kfar Tafouh bypass road: road works started on a bypass linking the settlement of Kfar Tafouh with the settlement of Ele to the South of Nablus. The road was expected to cut through the villages of Yutma, Asawya and Aluban Asharqi;

(f) Twenty Palestinian houses in the villages of Anata and Hizma would be demolished to allow for the construction of road 70, which would link the settlements of Almon and Kfar Adomim. (*The Jerusalem Times*, 11 December)

69. On 2 January 1999, Jewish settlers from Pnei Haver, South-East of Hebron, began clearing a road to a nearby hill and prepared five dunums for construction, according to Palestinian sources. The sources stated that the land belonged to the Manassra family, from Banei Na'im village, and the family had not received any notification of land expropriation. A spokesperson for the Civil Administration stated that the land was state land located within the jurisdiction of the Pnei Haver settlement, but confirmed that there was no permit for the current construction work. (*Ha'aretz*, 3 January)

70. On 5 January, it was reported that an order signed in October by an IDF officer specified that the bypass road of Al Arub would be built between Alon Shvut and Karmi Tzur, on land expropriated from the Palestinian villages of Beit Ommar and Halhoul. In the event of further Israeli withdrawal from the West Bank, the two villages would fall under Palestinian Authority security control. According to local Palestinian farmers, when bulldozers started to clear the new road they would slice through prime agricultural land and thereby have a negative impact on the farmers' livelihood. Israeli General Chief of Staff Shaul Mofaz predicted several months earlier that the building of this bypass road would lead to bloodshed. Marwan Barghuti, Secretary-General of the Fatah movement in the West Bank, stated that the construction of bypass roads and the expansion of settlements while the Wye memorandum was frozen would incite more Palestinian anger. (*Jerusalem Post*, 5 January)

71. On 20 January, the Beit El District Planning Committee approved highway plans for route 80, following the decision of the Security Cabinet two weeks after the signing of the Wye memorandum to include this bypass road among the 21 other bypass roads to be built in the West Bank. According to *Ha'aretz*, it was Foreign Minister Ariel Sharon who insisted on adding route 80 to the list of roads. He considered it the eastern border of the Palestinian entity despite the fact that there was no consensus over security reasons for paving the road. Even the settlers were ambivalent about route 80. (*Ha'aretz*, 19–21 January)

**Housing**

72. On 29 November 1998, hundreds of police officers facilitated the demolition of an East Jerusalem house built without a permit. The house, in Biet-Hanina, belonged to a Palestinian who returned to Israel the previous year after a prolonged stay in the United States. Human rights organizations claimed that many Palestinians were forced to build their houses without permits due to an Israeli policy to frustrate Palestinian construction. Meanwhile, it was reported that the deputy director of the Policy Planning Division of the Office of the Prime Minister had made a commitment that Israel would not demolish some 700 homes built on the West Bank over the past three years without Civil Administration permits. The promise was made in an October e-mail communication to correspondents abroad who had protested against the prospect of the houses being bulldozed. A senior Israeli source in the office of the Coordinator of Government Activities stated that Israel had indeed stopped razing homes built without permits, and he believed that a significant portion of the 700 homes were located in areas transferred to civilian Palestinian Authority control 10 days earlier. (*Ha'aretz*, 30 November)

73. On 2 December, IDF barred approximately 100 Israelis from the Coalition Against Home Demolitions from entering the village of Kifel Hares in the West Bank in order to rebuild houses that were demolished two days before by the Civil Administration. An IDF spokesperson said that entry was prohibited to the Israeli activists because the village had been declared a "closed military zone" for security reasons. The Civil Administration said that the demolitions had been

undertaken to enforce the law, while it had retroactively approved illegal structures in areas where there were official building plans. As a matter of policy, it does not give permits in villages lacking such plans. Palestinians maintained that since the Civil Administration invariably refuses them permits, they had no choice but to build without them. (*Jerusalem Post*, 3 December)

74. On 28 December, the Civil Administration in the West Bank demolished two Palestinian homes in the village of Kifel Hares. The demolition turned into a violent confrontation between local Palestinians and Israeli troops. Eyewitnesses said that the owner of one of the houses was wrestled to the ground by IDF troops, while he clutched his toddler son and tried to block them. Blood was seen running down his temple. It was mentioned also that troops fired tear gas into the house to force the residents outside. The 28 December demolition brought the total number of houses in the West Bank destroyed by the Civil Administration to 150 in 1998, according to figures of B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories. (*Ha'aretz, Jerusalem Post*, 29 December)

75. On 28 December, IDF demolished two houses at Kifl Harith, a village located near the settlement of Ariel in Area C of the West Bank, which is under Israeli security control. According to the Israeli Information Centre for Human Rights in the Occupied Territories, B'Tselem, the tally for demolished houses reached 150 since the beginning of 1998. Israeli Civil Administration officials stated that they had issued retroactive approval for nearly 3,000 illegally constructed houses in the West Bank for humanitarian reasons. (*The Jerusalem Times*, 1 January)

76. The eviction of the Ghuzlan family from its home at Silawn in East Jerusalem, scheduled for 1 January by an Israeli court order, was postponed. (*The Jerusalem Times*, 1 January)

77. On 26 January 1999, under security protection, the Interior Ministry's Building Supervision Unit tore down a 120-square-metre home in Jerusalem's Issawiya neighbourhood because, according to a Ministry spokesperson, it was built illegally. Some Palestinians were wounded, one of them critically, during clashes between the Palestinian residents and Security troops. The two-family structure was built three years ago and was home to 17 members of the Abu Aweiss family. Darwish Darwish, head of the local council, said that 27 other homes in the neighbourhood were slated for demolition. Palestinians were quoted as saying that they were forced to build illegally in the village because the Jerusalem Municipality denied them building permits. (*The Jerusalem Post, Ha'aretz*, 27 January)

78. On 27 January, the Israeli authorities demolished a house built without a license in the Jerusalem village of Issawiya. The building was the home of 17 members of two families. The demolition led to clashes in which one of the two owners was killed. Villagers reported that some 27 houses were slated for demolition in the village, whose population is 7,000 and which has no zoning plan. The village is surrounded by roads and Hebrew University. (*The Jerusalem Times*, 29 January)

79. On 29 January, the Peace Now movement stated that the "Flowers of Hope" School at al-Khader, outside Bethlehem, had received notice from the Civil Administration that it planned to demolish an illegally built wing of the school. Peace Now warned that this would constitute a dangerous precedent, and called on Defense Minister Moshe Arens to halt the demolition. (*Jerusalem Post*, 29 January)

### 2. Restrictions affecting movement of Palestinians within, between, and their exit from and re-entry into the occupied territories

#### Identity cards, travel permits

80. On 24 November 1998, it was reported that Palestinian Authority President Yasser Arafat was scheduled to greet the first arriving flight at the Gaza International Airport, due to open after the Wye accord. The airport was to be called Arafat International Airport. Beyond the airport's role as a symbol of sovereignty, it promised to significantly facilitate international travel for Palestinians, especially residents of Gaza. Henceforth, those seeking to travel by air would no longer need to obtain a permit in order to enter Israel. Moreover, the Airport promised to open up new possibilities for importing and exporting goods by avoiding expensive and time-consuming shipment via Israel. However, Israeli personnel would be stationed at the airport for security checks, including in the control tower, but would be "invisible" to the public. The security set-up inside the terminal would be the same as at the Rafah crossing and the Allenby Bridge, and would be situated behind screens. "We are satisfied with the security arrangements. If not, we wouldn't open it" stated Shlomo Dror, spokesperson for the coordinator of activities in the territories. (*Jerusalem Post, Ha'aretz*, 24 November)

81. On 25 November, a military checkpoint was erected, marking the start of a safe passage route between the West Bank and the Gaza Strip. Israelis and Palestinians still needed to settle a few minor issues but were expected to sign a protocol for operating the route the following week,

according to Palestinian negotiator Abdel Razek. Under the Wye accords, the "safe passage" was to be opened four weeks after the signing of the protocol. Under the new rules, Israel would issue one-year permits to those wishing to use the safe passage. Cars would be permitted but would require separate stickers. Israel had the right to turn down requests by those considered a security risk. Israeli officials said the land route would stay open during closures. (*Jerusalem Post*, 26 November)

82. On 29 November, IDF barred Palestinian VIPs from using the special crossing designated for them at the Erez checkpoint after Palestinian security officials prevented Israeli trucks carrying construction material from entering the Netzarim settlement. Palestinian officers stated that construction in the settlement was a violation of the Wye accords. (*Jerusalem Post, Ha'aretz*, 30 November)

83. On 3 December, in response to Palestinian Police preventing Israeli trucks with building materials from reaching the entrance of Netzarim settlement in the Gaza Strip, settlers blocked the entrance of Karni crossing, declaring that they would not allow Palestinian trucks to enter or leave Gaza until Palestinian Police allowed the truck into the Netzarim settlement. Palestinian officials stated that construction in the settlement constitutes a violation of the Wye memorandum. (*Ha'aretz, Jerusalem Post*, 4 December)

84. On 10 December, it was reported that Israel had not approved the Palestinian Authority's request to allow entry into the Gaza Strip of two members of the Palestinian National Council (PNC) who intended to attend a PNC gathering scheduled for the following week. On the other hand, Israel gave its approval to a similar request regarding Faruk Kadumi, Head of Foreign Affairs in the PLO, but security sources were doubtful about his intention to take part in the PNC discussions. (*Ha'aretz*, 11 December)

85. On 25 December, it was reported that Israel would ease entry restrictions to allow people from the West Bank and Gaza to attend prayers at Al Aqsa Mosque, as a gesture to Palestinian Moslems on the occasion of Ramadan. A spokesperson for the Civil Administration said that Palestinians younger than 16, males over 35 and females over 30 would be allowed to enter without permits. He added that buses would take them from the A-Ram and Gilo checkpoints to the Mosque, and that they would be taken back by bus after prayers. Inhabitants of the Gaza Strip would be allowed to attend after coordination with the Palestinian Authority. (*Jerusalem Post*, 25 December)

86. On 28 December, it was reported that the Israeli Foreign Ministry had lodged a "serious complaint" with the Palestinian Authority after Israeli security teams were barred from checking an Egyptian plane, carrying Palestinian Authority President Arafat, which had landed at the Gaza International Airport two days earlier. According to the agreement previously worked out between the Israelis and the Palestinians, Israel had the right to check any plane landing or taking off, except President Arafat's personal plane. In the complaint, the Ministry said that Israel would be "unable to permit further operations at the airport if Israeli security teams were not allowed to check, in full, all airplanes". (*Jerusalem Post*, 29 December)

87. On 6 January 1999, IDF opened to Palestinian traffic the coastal road along the Gush Katif settlement, drawing harsh criticism from Jewish settlers. The road had been closed to Palestinian vehicles for years, following an attempted attack in the area, and had been a frequent source of tension between Israel and the Palestinian Authority. The road significantly shortened the route from the southern Gush Katif area to Deir el Balah and the northern part of the Gaza Strip. Despite dodging the question in the past, IDF sources openly admitted that "under the Oslo Agreement, the road must be open to both sides". (*Ha'aretz*, 7 January)

88. On 9 January, IDF closed the Gush Katif coastal road after 100 settlers blocked a section near Netzarim to protest the IDF decision to allow Palestinian traffic on the road. The night before, IDF had reopened the road for both Palestinian and settler vehicles, but kept it closed for Palestinian pedestrians. IDF spokesperson stated that the decision to reopen the road was taken after the Palestinians agreed to undergo checks at an IDF roadblock. (*Ha'aretz, Jerusalem Post*, 10 January)

89. On 19 January, it was reported that IDF had closed a portion of the coastal road in the Gaza Strip for several hours after settlers blocked traffic to demonstrate their renewed opposition to Palestinian vehicles using the thoroughfare. Settlers reported that Palestinians responded by briefly jamming the main Gush Katif intersection with some 30 vehicles. The head of the Gaza settlements demanded that IDF establish and maintain security checks in order to ensure safety. (*Jerusalem Post*, 20 January)

90. On 21 January, it was reported that the Palestinian Authority had plans for building an airport at Bethlehem. In response, the Israeli Director of Communications, David Bar Ilan, stated that construction or planning for construction had to be agreed upon by Israel. "According to the Oslo Agreement, the Palestinian Authority is supposed to report every Kalashnikov rifle, let alone an airport", said Bar Ilan. He noted that during the building of the Gaza airport, many agreements had been broken by the Palestinian Authority. The landing strip ended up being twice the length agreed

upon, and the terminal building, which was supposed to be located on the border in order to allow Israeli security teams to enter it without going into Gaza first, was placed elsewhere. (*Jerusalem Post, Ha'aretz*, 22 January)

**Closures**

91. On 8 November 1998, IDF set up roadblocks throughout the West Bank, preventing residents from leaving their homes for several hours. They were searching Kabatya for the Islamic Jihad leaders suspected of having masterminded the bombing attack at Jerusalem's Mahaneh Yehuda market on Friday, 6 November, which wounded 21 people. (*Jerusalem Post, Ha'aretz*, 9 November)

92. On 11 November, IDF imposed a curfew on the village of Rabude, situated in Area B, which was under Israeli security control. Security forces searched the village in the early morning and arrested six Palestinian residents on suspicion that they were involved in shooting two IDF soldiers during the late hours of the previous night. (*Jerusalem Post, Ha'aretz*, 12 November)

93. On 15 November 1998, IDF imposed a curfew on the Old City of Hebron following the throwing of a grenade at a checkpoint. (*The Jerusalem Times*, 20 November)

94. On 14 December, IDF imposed a curfew on the village of Silat al-Tzir near Jenin. The IDF spokesperson said that the military commander of Jenin area had met with the principal of the local school and had asked him to put a halt to stone-throwing against Israeli settlers. His request was ignored and it was decided to impose a curfew, the spokesperson said. (*Jerusalem Post*, 15 December)

95. On 4 January 1999, it was reported that following an attack on three settlers from Kiryat Arba, IDF had imposed a curfew on the H2 area at Hebron, which is under exclusive Israeli control and a closure around the entire city of Hebron. In response, Palestinian youths hurled stones at soldiers along the border separating the two parts of the city. The soldiers responded by firing rubber bullets. The three settler women were on their way to work at the Beit Hadassa and Avraham Avinu Jewish enclaves in the city of Hebron. One of the settlers, who sustained wounds to the chest and neck, was hospitalized in serious condition. (*Ha'aretz*, 5 January)

96. On 5 January, the Israeli authorities placed more than 20,000 Palestinians under curfew following a shooting at Hebron in which two women from the settlement of Kiryat Arba were shot and injured. All entrances to Israeli-controlled areas were heavily manned by troops. (*The Jerusalem Times*, 8 January)

97. On 6 January, it was reported that the curfew imposed on the Israeli-controlled sector of Hebron remained in force. (*Jerusalem Post*, 7 January)

98. On 7 January, approximately 300 Palestinians marched at Hebron toward the IDF checkpoint at the entrance to Halhul, in protest against the fourth day of Israel's closure of Hebron. IDF troops fired several rubber bullets after scuffling with some of the protesters. No injuries were reported. Mayor Mustafa Natsche, who led the march, called for the curfew to be immediately revoked. It had prevented Muslims from attending Ramadan prayers at the Ibrahimi Mosque, located in the same building as the Jewish Cave of the Patriarchs. It was reported that the curfew had remained in effect all day, without even a few hours' suspension, thereby preventing hundreds of impoverished Hebron families from receiving a Ramadan meal from the Waqf. During the curfew, a mentally retarded Palestinian was shot and killed by Israeli troops. (*Ha'aretz, Jerusalem Post*, 8 January)

99. On 11 January, IDF lifted the curfew and closure imposed on Hebron. (*Jerusalem Post*, 12 January)

100. On 11 January, the Israeli authorities lifted the curfew imposed on Hebron. (*The Jerusalem Times*, 15 January)

## C. Manner of implementation of restrictions

### 1. Delays and difficulties in granting authorizations

101. On 24 November 1998, the first Palestinian airport was inaugurated in the Gaza Strip. Most of the airport's security is in the hands of the Palestinians, who will work in coordination with 25 Israeli security officials to check arrivals and departures. (*The Jerusalem Times*, 27 November)

102. Palestinians have lately criticized the Israeli National Insurance Office for presenting inaccurate reports stating that many Palestinian Jerusalemites lived outside the Jerusalem municipal boundaries. Palestinians claimed that this practice jeopardized their right to reside in Jerusalem and receive the benefits to which they were entitled as holders of Jerusalem identity cards, many of which had been confiscated. The reports by the insurance organization, which involved entire families, were considered legal documents by the Israeli Government and were used as evidence by the Israeli Ministry of the Interior in justifying decisions to cancel the blue IDs of Palestinian Jerusalemites. The reports were also used by a number of Israeli establishments, including courts and banks. According to the Director of the Centre for Social and Legal Affairs at Orient

House, Azmi Abu Saoud, many of the investigators were Israelis with a poor command of Arabic, while others were Arabs whose Hebrew was not perfect, which meant that the accuracy of the written reports was often less than perfect. Moreover, Palestinians were required to sign statements translated from Arabic into Hebrew in spite of the fact that the majority were unable to read Hebrew, which meant that they had no way of knowing if the written statements were accurate. Abu Saoud said investigators often used cruel and humiliating language during the course of their inquiry and asked questions that had little or no relevance to the legal rights of the Palestinians in Jerusalem. Abu Saoud noted that in some instances, investigators took advantage of disputes between relatives and friends to gain information about certain individuals. (*The Jerusalem Times*, 1 January)

103. Arab workers employed in Israel said that they were angered by the Israeli policy which allowed their work permits to be revoked at any time, preventing them from earning a living in Israel. A Palestinian worker said that the Government used this policy to coerce workers to gather intelligence information for Israel. The policy is also used by Israeli employers when they did not want to pay them, and they asked the crossing point Administration to prevent certain workers from entering. Another worker said that workers were sometimes even blackmailed and forced to pay money to keep their permits. The Ministry of Labour said that permits were so valuable that a black market for them had developed. (*The Jerusalem Times*, 8 January)

### 2. Checkpoints

104. On 27 November, it was reported that the Israeli Ministry of Internal Security had plans for two more police stations in the Old City of Jerusalem. The Israeli authorities also have plans to carry out restoration work on the historic building of the Tankaziya School, already occupied by a unit of the Border Guards. The school formed part of the outer wall of the northern side of the Al Aqsa Mosque compound. The Israeli police was reported to be looking for a house inside the Old City which could be turned into living quarters for the Border Guards. (*The Jerusalem Times*, 27 November)

105. On 9 December, fierce altercations were reported near the Israeli checkpoint between Tulkarem and El Bireh. IDF fired live ammunition, tear-gas bombs and rubber bullets, injuring 28 Palestinians. (*The Jerusalem Times*, 11 December)

106. Many workers entering the Gaza Strip at the Beit Hanou (Erez) crossing after a day's work in Israel said that the entire process of going through checkpoints was very tedious. They said that they were often subjected to searches and had to wait long periods before entering Israel in the morning. Another worker complained that soldiers intentionally harassed the workers and held them until they were late to work so that their Israeli employers would fire them. (*The Jerusalem Times*, 8 January)

### 3. Interrogation procedures

107. On 1 January 1999, Amnesty International reported that a Palestinian who had applied for a work permit in Israel was arrested at the District Coordinating Office at Kfar Etzion and jailed in Israel, where he was tortured. According to his wife, Habib Khair of Beit Sahour was arrested in October 1998, and since 1 December had been kept hooded and tied to a "sloping chair". She said that she had seen him only once, in court, on 22 December. According to Amnesty International, Khair was apparently a member of the tiny pro-Syrian Abu Mussa group, which was not known to have carried out any bombing attacks since 1993. Amnesty stated that the case illustrated the fact that Israel used torture routinely, even in cases where no urgency was involved. (*Jerusalem Post*, 1 January)

108. A report by Amnesty International revealed that Habib Hanna Khair, of Beit Sahour had been receiving the "ticking time-bomb treatment" in Israeli prisons. The report said that the conditions of Khair's interrogation allowed for almost no sleep between Sunday and Thursday, during which time he was made to sit shackled in a painful position to a very small sloping chair and was constantly hooded. Khair was arrested on 6 October 1998 in the Bethlehem area at the District Coordination Office, where he was trying to get a work permit for Israel. Khair was a member of the Abu Mussa group, a Damascus-based Fatah dissident faction which rejected the Oslo accords. (*The Jerusalem Times*, 8 January)

109. On 13 January, the High Court of Justice reviewed, by nine-justice panel, the question of interrogation methods used by the Israeli General Security Service (GSS), and whether the issue should be dealt with by legislation. The session followed a hearing held in May 1998, in which the justices had examined six petitions involving the alleged torture of Palestinian detainees, including two petitions calling on the Court to ban the methods of torture used by GSS. In May 1998, the Court indicated that the State should request the Knesset to pass an explicit law on the matter instead of forcing the Court to decide. The State Attorney's Office was hard-pressed to defend the State's demand for guaranteed immunity for GSS interrogators who used illegal or "borderline" methods to "extract information". One of the

two petitions submitted by the Public Committee Against Torture in Israel called for a ban on the use of a technique in which detainees were bound hand and foot, a hood was placed over their heads, and they were forced to listen to loud music depriving them of sleep. The other petition submitted by the Association for Civil Rights in Israel called for a ban on violent shaking. In the latter instance, the High Court of Justice called for a recess, after four hours of summation by the State Attorney's office, without giving the petitioners a chance to speak. During the hearing, the State Attorney argued that GSS uses "borderline" methods in "time bomb" cases in order to prevent "upcoming" terrorist attacks. The petitioners submitted to the court an affidavit from Oklahoma City bomber Timothy McVeigh's lawyer stating that the Oklahoma City bomber's interrogators had adhered to legal procedures which GSS does not. (*Jerusalem Post*, 13 and 14 January; *Ha'aretz*, 14 January)

110. The Israeli intelligence service, Shin Bet, would soon change some of its interrogation methods, according to the Israeli State Attorney's office. The decision was based on a 13 January ruling of the High Court on the use of physical pressure against Palestinian prisoners. The State Prosecutor, Shay Nitzan, said that the Shin Bet had decided to ease some of the methods used against Palestinian detainees but he refused to ban the method of violent shaking. (*The Jerusalem Times*, 22 January)

### 4. Administrative detention and conditions of detention

111. On 22 November 1998, Usman Jamil Barhum, the longest-serving administrative detainee in Israel, appealed against his continued detention. Barhum, whom the General Security Service (GSS, Shin Bet) suspects of being a senior Islamic Jihad activist, had been in detention for more than five years. Previously, he was sentenced to seven years in prison for membership in the Fatah. Before being placed in administrative detention, Barhum was interrogated repeatedly and under harsh conditions, but Shin Bet never produced sufficient evidence to bring him to court. His attorney said in her appeal before the Military court that since September 1993, the date when her client was arrested, the Shin-Bet had been unable to obtain a single piece of evidence with which to charge Barhum. (*Ha'aretz*, Internet version, 23 November)

112. On 22 November, Israel released three Palestinian police officers arrested and put into administrative detention in July 1997 on suspicion of having planned terrorist attacks against settlers. Their lawyer, Lea Tsemel, said that in view of the fact that Israel had withdrawn its accusation against the officers' commander, Razi Jabli, it made no sense to detain them any longer. (*Ha'aretz*, 23 November)

113. On 11 December, it was reported that two Bir Zeit University students were currently held in administrative detention, one of whom was transferred to interrogation a week earlier. (*The Jerusalem Times*, 11 December)

114. On 27 December, it was reported that Omar Barghouthi, one of the longest-serving administrative detainees, was released after three-and-a-half years in jail without a trial. There were at that time 80 Palestinian administrative detainees. The longest-serving detainee, Usama Barham, had recently begun his sixth year of administrative detention, after a military court had rejected his appeal. Another administrative detainee, Hanie Jaradat, had been released six months earlier after appealing to the High Court of Justice but was detained again shortly thereafter. (*Ha'aretz*, 27 December)

115. On 18 January 1999, three human rights organizations petitioned the High Court of Justice to end the administrative detention of Sallah Shehada, a Palestinian who claimed that he had helped the Israeli security services to negotiate with the kidnappers of IDF soldier Nachshon Wachsman five years earlier. Shehada was placed under administrative detention a few months ago, immediately after completing a 10-year prison sentence for Hamas-linked activities. His lawyers stated that placing a person under administrative detention, especially after serving a long prison sentence, was completely illegal and ill-founded. (*Ha'aretz*, 19 January)

116. On 28 January, the Military Appeals Court rejected the request for release by administrative detainee Abdullah Mahmud al-Hatib, although his attorney had submitted to the Court two medical reports from two different psychiatrists — one Palestinian and the other Israeli — which indicated that he was suffering from severe mental illness. Another medical report submitted by the Court-appointed psychiatrist failed to deny the possibility that al-Hatib was mentally ill. (*Ha'aretz*, 29 January)

### 5. Imprisonment and conditions of imprisonment

117. On 3 November 1998, an Israeli government source indicated that there was a verbal agreement at Wye for freeing an equal number of Palestinian prisoners at each of the three phases of implementation of the agreement. According to the agreement, Palestinian prisoners held by Israel would be released at the second, sixth and tenth weeks of the 12-week Wye implementation. In related news, it was revealed that two Palestinians suspected by Israel of murdering two Israelis were in fact innocent, according to

the Palestinian Minister of Justice, Fraih Abu Meddain. The two were being held in a prison at Jericho; their names were included in the original extradition list submitted by Israel. The two prisoners had consistently denied any connection to the murders, while a third person, who had incriminated the two suspects, was arrested by Israel but released after proving that he was working at a settlement at the time of the murders. (*Ha'aretz*, Internet version, 4 November)

118. On 10 November, Palestinian prisoners at Megiddo prison complained of malnutrition and a lack of medical care during a meeting with Knesset member Malik Dahahmshe. The prison representatives said prisoners only received tranquilizers to treat the chronic diseases which were spreading among prisoners. The Prisoners' Friend Society expressed worry, noting that some Megiddo prisoners slept in tents set up in the prison yard by the prison administration to minimize overcrowding in the jail. These prisoners are often exposed to severe cold, making them the victims of seasonal diseases. (*The Jerusalem Times*, 13 November)

119. On 15 November, it was reported that some 250 Palestinians detained in Israeli prisons, both common criminals and "security" prisoners, were to be released during the week. This would be the first group of prisoners to be released under the Wye agreement, in which Israel undertook to release 750 Palestinian prisoners. The 250 names were taken from a total list of 2,600 Palestinians held in Israeli jails, and included the names of prisoners who were to be released for serving their sentence or for humanitarian and health reasons. (*Ha'aretz*, 15 November)

120. On 15 November, Knesset Member Yossi Sarid, leader of the Meretz opposition party, stated that he was convinced that it would become clear during the week that the majority of the released Palestinian prisoners were common criminals rather than security prisoners. "The Palestinian Authority did not mean this kind of prisoner during the Wye accord negotiations, and Netanyahu knows that well", he said. (*Ha'aretz*, 16 November)

121. On 17 November, it was reported that some of the 250 Palestinian prisoners to be released on 20 November under the Wye agreement had not yet been identified due to disagreement between Israel and the Palestinian Authority over who should be included in the list. Israel wanted the list to exclude Palestinian Authority security prisoners involved in violent attacks on Jews, and to include only common criminals. The Palestinian Authority insisted that the list include only security prisoners. Palestinian minister Abdel Razak stated "we have never conducted negotiations over common criminals and labourers. If Israel wants to release them, they can do so, but outside of the framework of the numbers that have been agreed upon". The Wye Memorandum calls for an initial release of 250 prisoners, to be followed by the release of 500 additional prisoners in two subsequent groups amounting to a total of 750. (*Ha'aretz*, 18 November)

122. On 20 November, at the same time as the first phase of redeployment in accordance with the Wye memorandum, Israel released 250 Palestinian prisoners. Palestinian officials said that the Palestinian Authority would not consider the 150 criminal prisoners who were released among that group since it was agreed that all 750 Palestinian prisoners to be released under the Wye accord were to come from a larger group of 2,400 Palestinian political prisoners. (*Ha'aretz, Jerusalem Post*, 22 November)

123. On 20 November 1998, it was reported that the Society of Prisoners and the Fatah movement had accused Israel of manipulating the list of Palestinian prisoners to be released from jail. The society said that a large number of the prisoners designated for release were not political activists but had been convicted for criminal offences. (*The Jerusalem Times*, 20 November)

124. On 21 November, Israel freed 250 Palestinian prisoners instead of the 750 it had pledged to release within the framework of the Wye memorandum. Only 100 political prisoners were freed, while 150 prisoners detained for criminal offences were also released. Some of the freed political prisoners were serving long prison terms. Three Palestinian political prisoners began an open-ended hunger strike at Megiddo Prison, where prisoners threatened that they would die if not released. (*The Jerusalem Times*, 27 November)

125. On 24 November, a hunger strike by a group of Palestinian prisoners at Megiddo Prison entered its third day in what the strikers called a battle for "freedom or death". The hunger strike was backed by sympathy protests in the Gaza Strip and West Bank. The prisoners on strike were protesting the Israeli refusal to free them as part of the Wye agreement. (*Jerusalem Post*, 25 November)

126. On 26 November, it was revealed that the Israel Prisons Authority (Shabas) was denying Palestinian prisoners the right, *inter alia*, to meet and consult with their lawyers in private. A spokesperson for Shabas confirmed this and stated that the restrictions were imposed under the state of emergency regulations, but would be examined carefully by the Public Prosecutor. Before these regulations were imposed, prison officials were entitled to watch but not listen to the conversations between lawyers and clients. A human rights lawyer reported that when she met recently with one of her security prisoner clients at Nafha prison,

prison officials insisted on listening to her conversation with the prisoner, and wrote down its details. When the conversation turned to other than purely legal matters, the jailers intervened and prevented further conversation. The lawyer was also prevented from speaking with her client in English because, it was asserted, new directives required lawyers to converse with prisoner clients only in a language which jailers would understand. (*Ha'aretz*, 27 November)

127. On 27 November, Palestinian prisoner Mohammed Ahmad Raja Nueirat of the town of Mithaloum, aged 72, was released on account of his deteriorating health after 23 years in jail. (*The Jerusalem Times*, 27 November)

128. On 2 December, a spokesperson for the Israeli Prison Service stated that a new directive which required, *inter alia*, that a guard remain close enough to hear conversations between lawyers and their clients, had been rescinded. Since *Ha'aretz* reported on the directive two weeks ago, it had caused an uproar among lawyers. The chief of the Tel-Aviv Bar Association sent a letter to the Prison Service Commissioner, calling the new directive "scandalous and draconian", and demanded that it be repealed. The Israeli Bar Association also intended to advise its members to oppose the directive. (*Ha'aretz*, 3 December)

129. On 4 December, more than 2,000 Palestinian political prisoners began an open-ended hunger strike to demand their release. Two days later, Bir Zeit University students launched an open-ended hunger strike in solidarity with Palestinian prisoners. Forty-one Bir Zeit University students are currently in Israeli prisons, and a large percentage of students were imprisoned at one time during their studies. The spiritual leader of the Islamic Resistance Movement Hamas, Sheikh Ahmad Yassin, also went on a hunger strike in solidarity with the political prisoners.(*The Jerusalem Times*, 11 December)

130. On 5 December, it was reported that the hunger strike by Palestinian prisoners was spreading, and included several hundred Palestinians held in Israeli jails. It was expected to encompass the entire security prison population by the time President Clinton arrived in Israel a few days later. The hunger strikers' principal demand was that they be recognized as prisoners of war, subject to release within the context of a peace agreement or as a result of reconciliation between Israelis and the Palestinians. At the very least, they said, prisoners who were ailing or had been held for more than a decade should be released. (*Ha'aretz*, 6 December)

131. On 8 December, the Association For Civil Rights In Israel (ACRI) submitted a report to the Knesset, according to which Israel had failed to follow international norms on human rights. Different minorities within Israeli society, including women, the handicapped, homosexuals and Arabs, were still discriminated against while the citizens of the occupied territories controlled by Israel were denied fundamental human rights. According to the ACRI report, interrogators of Shin-Bet had tortured 85 per cent of the 1,000 to 1,500 Palestinians that they interrogated annually. A law forbidding torture did not yet exist despite Israel's international commitments to forbid torture. The rights to due process and a fair and open trail were violated, *inter alia*, by the broad usage of administrative detention orders, which resulted in people being held in prisons for prolonged periods without trial. At the time the report was submitted, there were 90 Palestinians under administrative detention. The report pointed out that 270 of the 1,300 Palestinian people killed in the occupied territories during clashes with IDF were children. Many Palestinians met their death, said the report, as a result of regulations for Israeli soldiers which permitted shooting even in non-life-threatening cases, including when arresting suspects. (*Ha'aretz*, 9 December)

132. On 9 December, Hamas spiritual leader Sheikh Ahmed Yassin joined the hunger strike in support of the release of Palestinian prisoners. According to Shabas, some 691 striking Palestinian prisoners had joined the hunger strike. According to Palestinian sources, the figure was more than 2,000. *Ha'aretz* explained that Palestinian prisoners in Israeli jails had staged hunger strikes as far back as the 1970s. Until the Oslo accords, the strikes had been used to protest against conditions in Israeli jails and the abuse of authority by prison officials. By contrast, hunger strikes since 1994 had been political in nature, and had focused on demands for recognition as prisoners of war who were entitled to be released as part of a peace process. Immediately following 1967, according to Palestinian prisoners, they were placed in harsh and humiliating conditions, which meant during the first years no beds, no mattresses, no pillows and only four blankets with one mat per person. Prisoners had also been denied writing and reading materials. Prisoners were made to meet their lawyers in the open courtyard, with hands bound, etc. A prolonged and very difficult hunger strike took place back in 1975, and the authorities placed prisoners in isolation and transferred them to different jails so as to break any cohesion among them. During the hunger strike at Nafha prison in 1980, two prisoners died. The recognition that Palestinian prisoners were entitled to humane treatment was made in light of this history of hunger strikes and related negotiations between prisoners and prison officials. (*Ha'aretz, Jerusalem Post*, 8 and 9 December)

133. On 12 December, in an attempt to calm the highly volatile West Bank during President Clinton's visit to Israel

and the Gaza Strip, the Palestinian Authority requested the Fatah to quell protests in favour of prisoners' release, and called on Palestinian prisoners to stop their hunger strike. (*Jerusalem Post, Ha'aretz*, 13 December)

134. On 15 December, it was reported that there were indications of a compromise with respect to the release of prisoners. Israeli Defense Minister Yithak Mordechai told the *Jerusalem Post* that "there are ideas, but I don't want to get into details". According to the Israeli Government, there were 1,000–2,000 security prisoners in Israeli jails, most of whom were accused of murder and were either Hamas or Islamic Jihad members. However, according to the Palestinians, only 10 per cent of those labelled security prisoners by Israel "had blood on their hands". Palestinians were willing to leave the question of the release of these prisoners to the final status talks but wanted all others released immediately. Under the Wye memorandum, Israel was required to release a certain number of prisoners — a side agreement specified 750 — but Israel said that there were never any promises as to precisely which prisoners would be released. (*Jerusalem Post, Ha'aretz*, 15 December)

135. On 15 December, at the urging of Palestinian Authority leaders, Palestinian prisoners in Israeli jails resumed eating regularly, ending 10 to 20 days of hunger strike. The Palestinian Prisoners Association said in a statement that solidarity strikes in support of the prisoners on hunger strike had also been suspended. (*Jerusalem Post, Ha'aretz*, 16 December)

136. On 15 December, Palestinian prisoners suspended their hunger strike, putting an end to 11 days of protests in the West Bank. Although the hunger strike had not achieved immediate results in the release of more political prisoners, it is widely believed that despite the official Israeli rejection of releasing further political prisoners, more prisoners would be liberated. (*The Jerusalem Times*, 18 December)

137. On 16 December, Islamic Jihad activists at Jenin stated that they had launched a hunger strike to protest against their detention. In a statement to reporters, they said that eight of them had begun the strike because they had been held without trial since Israel and the Palestinians signed the Wye accord. The head of the Jenin military prison, where the detainees were held, told Reuters that "some 10" Islamic Jihad members had begun what he called a "partial hunger strike". (*Jerusalem Post*, 17 December)

138. On 28 December, according to conditions set by Prime Minister Netanyahu, only 229 out of 1,622 Palestinian security prisoners would be released. This despite the fact that 952 out of the 1,622 were not associated with murder in any way. Even if all 229 prisoners were released, their number would be significantly less than the 500 that Netanyahu had pledged to release under the Wye memorandum. The IDF spokesperson stated that there were 24 infractions that warranted security imprisonment, apart from those which pertained to murder. The figure of 1,622 security prisoners did not include the 78 Palestinians who were held under administrative detention. In any case, *Ha'aretz* pointed out, these figures do not concord with figures provided by the Palestinian Prisoners Association. According to Association figures, Israel held 2,400 political prisoners, 45 per cent of whom were Fatah members. Some 242 prisoners had already served more than 10 years. Fifty-seven prisoners were below the age of 18; the majority had been convicted for throwing stones or petrol bottles. The health condition of 111 prisoners was serious; 25 of them were very old, and the youngest one was born in 1954 while the oldest was born in 1929. One of the security prisoners, suffering from Alzheimer's Disease, was released the previous month after acceptance of an appeal which he had submitted to the High Court. (*Ha'aretz*, 29 December)

139. On 6 January 1999, it was reported that according to an article published in the Israeli Bar Association publication *Aurech Hadin* (*The Lawyer*), Israel falls far short of complying with the international standard of allowing approximately 12 square metres of space per prisoner. A table attached to the article illustrated that prisoners in most Western countries were allocated living space of 7 to 12 square metres, while most criminal prisoners in Israel were allocated about 3 square metres, and security prisoners were given no more than 2.5 square metres. A Prison Authority spokesperson stated that only the older prisons had such cramped living space. (*Ha'aretz*, 6 January)

140. On 19 January, the Israeli authorities released 10 Palestinian political prisoners. All 10 of the prisoners who were released had served 13.5 months out of their 14-month prison terms. (*The Jerusalem Times*, 22 January)

### 6. Question of the use of force

141. On 1 November 1998, it was reported that the Israeli police had stepped up efforts to find Gur Hamel, suspected in the previous week's deadly beating of a 72-year-old Palestinian man. The victim, Mohamed Zalmut, was beaten to death in a tit-for-tat murder following a terrorist murder at Hebron the week before. The police stated that they knew that Hamel, well known in the West Bank as an eccentric loner with radical views, had not left the country. Hamel lived a somewhat nomadic lifestyle, spending much of his time in the countryside, where he had become known to the

police for physically assaulting Arabs on many occasions. (*Ha'aretz*, Internet version, 1 November)

142. On 14 November, the Israeli High Court rejected the appeal of Daniel Morali, convicted of murdering Read Solema, a truck driver from the village of Idna in the West Bank. The incident occurred in March 1994 when Solema, then 35 years old, was driving his truck on the highway and stopped by the side of the road in order to pray. Morali, who happened to pass by with his car, stopped near the truck and shot Solema in cold blood, apparently as revenge for his brother's death in a car accident which he had believed to be a terrorist attack. In related news, the Public Prosecutor submitted an appeal against the light punishment of an Israeli teenager who was sentenced to two years and fined 2,000 NIS (approximately $500) for killing a Palestinian by hitting him with a board from a passing car. (*Ha'aretz*, 15 November).

143. On 15 November, a violent incident occurred between Israeli troops and approximately 100 Palestinians who were protesting preparations for the building of a new bypass road to link Efrat settlement with the Jerusalem-Hebron highway. Demonstrators were dispersed by tear gas and rubber bullets. It was reported that both Salah Ta'amrie — a member of the Palestinian High Council — and an Israeli soldier were slightly injured during the clashes. A large number of Israeli troops guarded two bulldozers that, according to nearby Palestinian residents, had uprooted hundreds of grapevines and fig trees. The building of the bypass road was to continue after a Palestinian court appeal had been rejected. (*Ha'aretz*, 16 November)

144. On 21 November, three to five Palestinians were lightly wounded when Israeli soldiers fired rubber bullets to disperse a demonstration of some 200 Palestinian residents of the village Ein-Abus, South of Nablus, near the Yitzhar settlement. The Palestinians were protesting the uprooting of olive trees by settlers in the area. The Israeli army claimed that the Palestinians had tried to damage an Israeli building. The army declared the area a closed military zone and arrested 3 Palestinians. (*Ha'aretz, Jerusalem Post*, 22 November)

145. On 22 November, IDF demolished a house at Herbit-Ataybeh village, West of Hebron, where a border police anti-terrorist team had killed two brothers, Adel and Emad Awadallah, who were in hiding there in September 1998. The house was owned by Akram Maswada, a Hebron businessman. Maswada was arrested a few minutes before the troops stormed in. His brothers arrived at the house in order to try to halt the demolition, but it was only after the entire structure was razed that they succeeded in obtaining an injunction from the High Court. A senior IDF legal expert insisted that house demolitions remain an effective deterrent against terrorism. Palestinians and human rights activists oppose it as collective punishment. (*Jerusalem Post, Ha'aretz*, 23 November)

146. On 23 November, 10 Palestinian students were lightly wounded at Dura, South of Hebron, when an IDF patrol used tear gas and fired rubber bullets after being attack by stones and petrol bombs. Two Palestinian policemen were also lightly wounded by rubber bullets during the incident. (*Jerusalem Post*, 24 November)

147. On 23 November, Gur Hamal, a 28-year-old yeshiva student, was charged in the Tel-Aviv District Court with the first-degree murder of Mohamad Al-Zalmot, a 75 year-old Palestinian man from the village of Beit-Furik, near the Itamar settlement in the Nablus region. The charge sheet alleged that Hamal left his sister's house at Itamar and headed into an olive grove where Zalmut was working. Hamal allegedly attack Zalmut without provocation after the victim had taken off his shoes to pray, first breaking his arm and choking him, and then smashing his skull with rocks. (*Jerusalem Post, Ha'aretz*, 24 November)

148. On 23 November, the body of a young Palestinian woman from Hebron, Sabah Abu-Snina, was found near the settlement of El-Azar, South of Bethlehem. Her body had been smashed with rocks. Palestinian police forces as well as all political groups at Hebron were convinced that she was murdered by settlers. They point to the resemblance between this case and the case of Zalmot, who was killed by a settler in October. The Israeli Police denied the accusations and stressed that all the signs pointed to Palestinian perpetrators. (*Ha'aretz, Jerusalem Post*, 24 November)

149. On 24 November, hundreds of Palestinians marched in the funeral procession of Sabah Abu-Snina, a 23-year-old student who was found beaten to death near a Jewish settlement. Two dozen broke away and threw stones and empty bottles at IDF agents, who responded with rubber bullets, wounding one. (*Jerusalem Post*, 25 November)

150. On 26 November, five Palestinian schoolgirls were lightly injured in a scuffle with Israeli policemen and Bet-Hadassa settlers at Hebron. The clashes began at about 8 a. m., when a group of 40 schoolgirls from Kortuba school, accompanied by their principal and several teachers, were preparing to board a bus for a field trip to Jerusalem. As they walked down A-Shuhada' street, near the Biet Hadassa settlement enclave, a verbal confrontation erupted with several female settlers, soon degenerating into a mass scuffle. Israeli police detained for questioning the school principal, two teachers and a 13-year-old student. The

principal stated that when she and her students passed by quietly there were initially no settlers, but suddenly several female settlers appeared and began shouting curses and calling on nearby soldiers to block the way. According to the Palestinians, policemen arrived shortly thereafter and began hitting the girls and pulling them by the hair. A spokesman for the Israeli police said that the students were asked to end their protest and return to school. When they refused, several were detained. (*Ha'aretz, Jerusalem Post*, 27 November)

151. On 28 November, 35 to 42 Palestinians, including two to five journalists and nine policemen, were wounded at Jerusalem during clashes between the Israeli police and Palestinian demonstrators who demanded the release of political prisoners from Israeli jails. At one point during the confrontation, police fired live bullets. According to a police spokesperson, the bullets were fired into the air as the police tried to extricate themselves from a group of demonstrators which had surrounded them. The protest was organized by the Palestinian Prisoners' Club, a group identified with the Fatah. The demonstrators demanded the release of 2,400 Palestinian political prisoners (330 of whom were Jerusalem residents). Nineteen protesters were arrested for attacking policemen. In related news at Hebron, three demonstrators and one policeman were slightly injured. At Bethlehem, clashes erupted between soldiers and approximately 200 Palestinians who had marched towards an army outpost and pelted the soldiers with stones. Troops responded with tear gas and rubber bullets, after which Palestinian police arrived and pushed the demonstrators back from the Israeli controlled area. (*Jerusalem Post, Ha'aretz*, 29 November)

152. On 30 November, Israeli sources revealed that IDF was establishing a new military college to train soldiers in fighting a possible war with Palestinians in the West Bank and the Gaza Strip. The new military school would be set up in a military camp South-West of Jerusalem. Israeli soldiers would be trained in fighting inside populated areas, in case IDF was forced to raid West Bank cities and fight the armed Palestinian police force. (*The Jerusalem Times*, 4 December)

153. On 2 December, at a news conference at Jerusalem, the Israeli human rights organization B'Tselem stated that at least 57 Palestinians had been killed by rubber bullets since the beginning of the *Intifadah*, and it called on IDF to stop using them. The group said that the bullets were actually made of steel and thinly coated with rubber. The IDF spokesperson stated that B'Tselem's report ignored the nature of the incidents in question, and the violence of attacks by rioters on soldiers and civilians. (*Jerusalem Post*, 3 December)

154. On 2 December, a Palestinian man was stabbed to death by a masked attacker near Abu Tor, a mixed Jewish-Arab neighbourhood in West Jerusalem. The police found evidence on the scene to support their suspicion that the assailant was a right-wing Jew acting for "national reasons". The victim was Osama Mousa Natshe, 41, a father of six who worked for Jerusalem's Sanitation Department. He was the latest victim of a serial stabber who had attacked seven Arabs around Jerusalem's ultra-orthodox Mea She'arim neighbourhood since November 1997, killing one and wounding the others. Police stated that cameras set up at Abu Tor to help catch car thieves were not working during the murder. Faisal al Husseini, the Jerusalem Affairs Minister of the Palestinian Authority, accused the Israeli Government of incitement leading to such attacks. Prime Minister Netanyahu condemned the crime. In a related development, it was reported that several people were wounded after police fired tear gas and rubber-coated metal bullets when hundreds of Palestinians clashed with Israeli police during Natshe's funeral. (*Ha'aretz, Jerusalem Post*, 3 December)

155. On 3 December, military policemen arrested five soldiers after they had fired shots in the air during a drunken joy ride from the Hebron Hills to the outskirts of Jerusalem. According to an initial investigation, the drunken soldiers had been at a party in the settlement of Kiryat Arba. (*Ha'aretz, Jerusalem Post*, 4 December)

156. On 3 December, violent clashes continued on the Mount of Olives, East Jerusalem, between Israeli policemen and Palestinians who were protesting the murder of Osama Natshe two days earlier. Six policemen and three Israeli civilians were lightly injured. Nineteen Palestinians were arrested and one Palestinian was injured by a rubber bullet fired to disperse the protestors. (*Jerusalem Post, Ha'aretz*, 4 December)

157. On 5 December, dozens of Palestinians were wounded during clashes with IDF in several West Bank localities and East Jerusalem, as protests escalated against the detention of Palestinian security prisoners in Israeli jails. Protest marches were held in most West Bank cities, with the participants carrying pictures of prisoners. The army fired rubber bullets and tear gas at the protesters. In East Jerusalem, approximately 11 Palestinians were wounded and 11 were arrested. (*Ha'aretz, Jerusalem Post*, 6 December)

158. On 7 December, dozens of Palestinians and Israelis were injured in clashes throughout the West Bank, as violent protests continued against Israel's refusal to release security prisoners in accordance with the Wye memorandum. Israelis fired shots after their car was pelted by stones as they drove

past the village of Abu Dis. They seriously injured Nasser Erekat, 17, nephew of top Palestinian Authority negotiator Saeb Erekat. One of the largest protests took place at a roadblock north of Ramallah, where some 1,000 Palestinians marched from the centre of the town towards an Israeli military post. In related developments, it was reported that *Ha'aretz* reporter Ada Ushpis was wounded on 7 December by IDF soldiers shooting rubber coated bullets at a group of demonstrators in northern Ramallah. Several Palestinians were gathered around her, only standing about and not throwing stones at the soldiers. The soldiers immediately fired at the approaching youths before she could see if the latter were throwing stones. Ushpis stated that bullets started flying at the same time as the first stones. (*Ha'aretz*, *Jerusalem Post*, 8 December)

159. On 8 December, a 57-year-old Gaza Strip resident was stabbed in the back by a 72-year-old Ashdod resident. The assailant admitted that the stabbing was nationalistically motivated. The victim, a bus driver who transported workers from the Gaza Strip to Ashdod, suffered moderate wounds and was admitted to a hospital. The attacker, who was sent for psychiatric examination, told investigators that he carried out the attack because the man was an Arab. (*Ha'aretz*, 9 December)

160. On 8 December, Palestinian Authority representative Saeb Erekat said that his nephew Nasser Erekat had not been throwing stones at soldiers when he was shot at Abu Dis. "He was shot by the army while he was on the rooftop of his house trying to bring down his younger brother", Erekat told Reuters. Erekat said doctors described his nephew's condition as "clinically dead" and said he held the Israeli government responsible. (*Jerusalem Post*, 9 December)

161. On 9 December, Jihad Ayyad, 16, of Jerusalem's Silwan neighbourhood, died from a gunshot wound in his stomach. Palestinian sources stated that soldiers had shot him during clashes near the Ayosh junction. It was reported that 100 to 270 Palestinians were wounded, three of them seriously, in violent clashes throughout the West Bank and Jerusalem. Twelve Israeli civilians and soldiers were lightly wounded during protests in which Palestinians demanded the release of prisoners from Israeli jails and marked the eleventh anniversary of the beginning of the *Intifadah*. It was also reported that the nephew of top Palestinian Authority negotiator Saeb Erekat, Nasser Erekat, had died of gunshot wounds sustained during clashes at Abu Dis a few days earlier. According to *Ha'aretz*, snipers were among the IDF soldiers who fired during clashes with protestors. (*Jerusalem Post, Ha'aretz*, 10 December)

162. On 9 December, the day marking the eleventh anniversary of the *Intifadah*, fierce clashes with IDF were reported in different cities of the West Bank and in East Jerusalem. A seventeen-year-old, Jihad Ayyad of Silwan, died, and more than 100 Palestinians were wounded in the clashes, several of them seriously. Four Israeli soldiers were also injured. IDF used live ammunition, rubber bullets and tear-gas bombs to disperse the protesters. Many Palestinians were also arrested. A Palestinian from the village of Abu Dis, Nasser Erekat, a nephew of Palestinian negotiator Saeb Erekat, was shot in the head and killed by a settler when Palestinians pelted a settler's car with stones. Families of the Palestinian prisoners who were on a hunger strike continued their demonstrations in front of the Red Cross office at Jerusalem. (*The Jerusalem Times*, 11 December)

163. On 10 December, five Palestinians were wounded by rubber bullets in confrontations with IDF soldiers while thousands of people attended the funeral of 17 year-old Jihad Ayyad of Silwan, who had been killed during fierce clashes between Palestinians and IDF soldiers. An IDF spokesperson denied Palestinian claims that Ayyad had died from a live bullet wound, and said it had been determined that he had died from being shot by rubber bullets. The spokesperson said that during demonstrations at Bethlehem two days before, snipers had used live fire to disperse demonstrators in a controlled manner, according to regulations. (*Jerusalem Post*, 11 December)

164. On 11 December, two Palestinians were killed during clashes with Israeli soldiers in the area of Kalkilya. Both victims were 18 years old. The following day, the Palestinian Cabinet issued a statement condemning the use of live fire "against Palestinians peacefully demonstrating against settlements and for the release of prisoners". An IDF spokesperson stated that the army was investigating a report that the two youths had died from live fire. In addition to these fatalities, another 50 Palestinians were lightly wounded, according to Israeli television. (*Jerusalem Post*, *Ha'aretz*, 13 December)

165. On 14 December, six Palestinians were lightly wounded by rubber-coated metal bullets; four of them were injured during clashes with Israeli troops at Bethlehem. Witnesses said that the clashes began after Israeli soldiers had humiliated Palestinian workers who asked to enter Israel, and forced them to crawl on the ground. The other two Palestinians were injured during clashes at the Balata refugee camp, in North of the West Bank. (*Ha'aretz*, 15 December)

166. On 16 December, IDF and General Security Service forces arrested 17 Palestinians suspected of participating in

"hostile activities and clashes" in the West Bank. The IDF spokesperson stated that 14 persons were from Harmela village near Bethlehem and three were from Kataneh near Ramallah, El Khader near Bethlehem and Askar near Nablus. All the villages were in Area B, which is under Israeli security control. (*Jerusalem Post*, 17 December)

167. On 17 December, a Palestinian youth, Mohammed Daoud, 19, was fatally shot during clashes near Ramallah. Some eight to 40 Palestinians were wounded throughout the West Bank during demonstrations against United States air strikes against Baghdad. According to Palestinian sources, Daoud was shot in his heart by live ammunition. Israeli military sources denied this accusation, stating that Daoud had died from being shot by rubber-coated metal bullets, although they confirmed that there had been use of live fire during the clashes. (*Ha'aretz*, *Jerusalem Post*, 18 December)

168. On 18 December, more than 100 Palestinians were wounded in clashes with IDF troops at Hebron. Clashes also took place at Ramallah around Jenin and in the Shuafat refugee Camp at Jerusalem. (*Jerusalem Post*, *Ha'aretz*, 20 December)

169. On 18 December, it was reported that four Palestinians were killed during the prisoner protests, which lasted 11 days. In addition, scores of prisoners were wounded. (*The Jerusalem Times*, 18 December)

170. On 25 December 1998, it was reported that a Palestinian youth, Mohammed Ismail Daoud, 19, from Beit Daq, West of East Jerusalem, died after being shot in the stomach by an Israeli soldier. The incident occurred during clashes at El Bireh, in the midst of Palestinian demonstrations of solidarity with the Iraqi people following the American-British air strikes against Iraq. Clashes between Palestinian youths and IDF were also reported in several cities of the West Bank throughout the week. Many demonstrators were wounded during clashes at Hebron. The protests subsided after the halt of the air strikes on 20 December. (*The Jerusalem Times*, 25 December)

171. On 28 December, the eviction by IDF of two families at Kifl Harith turned into a violent confrontation between angry stone-throwers and soldiers, who fired tear-gas canisters and rubber-coated metal bullets. Seven Palestinians and two soldiers were injured. During the confrontation, about 20 women refused to evacuate the three-room house of Husam Abu Yacoub. However, soldiers forced them out, firing tear gas into the house. Abu Yacoub, the 28-year-old owner of the house, was wrestled to the ground while he clutched his toddler son, trying to block the soldiers and bulldozers. (*The Jerusalem Times*, 1 January)

172. On 2 January 1999, a yeshiva student was arrested at Jerusalem on suspicion of having taken part in the damaging of cars of Palestinians attending prayers. Following the damage to the cars, violent clashes erupted between those attending prayers in the Mosque and yeshiva students. (*Ha'aretz*, 3 January)

173. On 4 January, it was reported that a Palestinian woman was attacked after having been allowed by IDF to re-enter her neighbourhood which was under closure following an attack on three settlers the same day. The woman, who returned to her neighbourhood after visiting a clinic, was physically assaulted by settlers from the nearby Avraham Avinu Yeshiva. (*Ha'aretz*, 5 January)

174. On 4 January, two settler women were injured when Palestinian attackers opened fire on a van commuting from the settlement of Kiryat Arba to Hebron. Settlers have maintained night patrols in the city during the curfew which was imposed on Hebron following the shooting. About 20 Jewish settlers seized the rooftops of buildings around the area of the ambush. Palestinians claim that the settlers were taking advantage of the curfew to occupy houses. To enforce the curfew, soldiers opened fire at a group of teenagers playing in their courtyard. Soldiers were also reported to have raided Arab houses at night, forcing occupants to leave and remain outdoors for several hours. Seven people were arrested by IDF after the shooting. (*The Jerusalem Times*, 8 January)

175. On 6 January, an Israeli soldier shot and killed Bader Kawasmeh, a 24-year-old Palestinian from Hebron who brandished a plastic toy gun. Kawasmeh was rushed to hospital and died some hours later. IDF stated that he was believed to have been mentally unstable. Fearing that the death would cause rioting, troops continued the curfew imposed on Hebron's Israel-controlled area two days before. Palestinian sources told a *Ha'aretz* reporter that Kawasmeh was one of a dozen mentally unstable Palestinians who went around the Hebron city centre imitating Israeli soldiers either by giving "commands" or by pointing at people with toy guns. (*Jerusalem Post*, *Ha'aretz*, 7 January)

176. On 6 January, a 26-year-old Palestinian, Badr Kawasmeh, was shot and killed by an Israeli soldier at Hebron. Kawasmeh is reported to have been running towards a group of soldiers, pointing a toy gun at them. The soldiers opened fire at him after calling out to him to stop. (*The Jerusalem Times*, 8 January)

177. On 10 January, several American and Canadian peace activists were arrested at Hebron after they tried to block IDF soldiers who they thought were going to shoot at Palestinian protesters. The incident occurred after four

Palestinians were reported wounded by soldiers firing rubber bullets. Sara Reschly, 26, who was arrested and subsequently released, stated that she had joined Palestinians in a peaceful march to the edge of the city's H2 section where the curfew had been imposed. She and other members of the Christian Peacemakers Group raced ahead to tell the soldiers that the march was peaceful. When they reached the delineation of the curfew zone, soldiers positioned their weapons to fire. "No one fired, but I think it was because of our presence", she stated. (*Jerusalem Post*, *Ha'aretz*, 11 January)

178. On 12 January, Fayez Zitawi, 57, was seriously wounded after being stabbed at a bus stop on Rehov Bar-Ilan street in West Jerusalem. Israeli police believe that the stabbing was perpetrated by a Jewish serial stabber who has murdered two and attacked six Palestinians at Jerusalem over the past year. Zitawi, a janitor at the Magen David Adom facility at Romema, Jerusalem, father of 10, was stabbed in the abdomen once. He was taken to hospital where he was listed in serious condition. In recent months, police had arrested two suspects who were both subsequently released. (*Jerusalem Post*, *Ha'aretz*, 13 January)

179. On 12 January, a Palestinian worker, Fayez Zitawi, 57, was stabbed in the abdomen on Bar Ilan Road in northern Jerusalem. Zitawi was taken to the intensive care unit at Hadassah University Hospital, where his condition was described as serious. The Israeli police believe Zitawi to be the ninth victim of a Jewish serial stabber. In six of the nine stabbings, the assailant left a knife behind, indicating that the attack was the work of a Jewish terrorist group. No suspects have been arrested. Palestinians have charged that the Israeli police was not investigating the case seriously. (*The Jerusalem Times*, 15 January)

180. On 13 January, Palestinian gunmen opened fire on a group of Israelis near the Otniel settlement, south of Hebron. One Palestinian and one Israeli were killed and another Israeli was wounded in the shoot-out. A second gunman was wounded while a third fled the scene. Seven people from the village of Dura were arrested a few days later by IDF on suspicion of having ties with Hamas. (*The Jerusalem Times*, 15 and 22 January)

181. On 13 January 1999, young Palestinians who were observing the Leilat Al Qader at the Al Aqsa Mosque hurled stones and bottles at Israeli police riding horses, who responded with tear gas canisters. There were no casualties. (*The Jerusalem Times*, 15 January)

182. On 14 January, IDF and General Security Service forces seriously wounded one and continued their manhunt for a second Palestinian gunman who took part in a shoot-out with an undercover "Mesta'revim" border police unit. The incident occurred at an Otnil settlement junction, about 10 kilometres south-west of Hebron. One Israeli soldier was killed. Security forces searched villages in the area and arrested several Palestinians. The commander of the undercover border police units operating in the West Bank told reporters that they had carried out more than 770 operations in 1998 and arrested some 180 Palestinians, 150 of whom were wanted by GSS. Some 60 per cent of the operations were undercover. (*Ha'aretz, Jerusalem Post*, 15 January)

183. On 16 January, skirmishes and firing erupted between Israeli soldiers and Palestinian policemen in the Gaza Strip after a dispute regarding the arrest of a Palestinian policewoman. The clashes started when Israeli soldiers noticed an allegedly "suspicious" Palestinian woman near the Gush Katif Junction in the southern Gaza Strip. They ordered her to stop and searched her. According to Israeli military sources the woman, later identified as belonging to the Palestinian police, threw a knife at one of the soldiers. The soldier was not hurt. IDF soldiers then arrested the policewoman, who was released after the intervention of Palestinian high-level police commanders, but not before being taken in for interrogation by the Israelis. (*Ha'aretz*, 17 January)

184. On 27 January, IDF critically wounded Zaki Obeid, 23, from the Jerusalem village of Issawiya, in clashes caused by the demolition of his unlicensed house. Obeid was shot with three metal-coated rubber bullets in the head and neck. Four other Palestinians were wounded in the clashes. Their conditions were listed between light and moderate. (*The Jerusalem Times*, 29 January)

185. On 28 January, Zaki Obeid, 22, died as a result of being shot in the head several days earlier during clashes sparked off by the demolition of his family's home at Issawiya. His body was sent to the Forensic Institute at Abu Kabir for autopsy. The results of the autopsy were to be conveyed to the Justice Ministry unit seeking to determine whether police had acted in conformity with regulations and fired because their lives were in danger, or whether there might be grounds for a charge of negligent homicide. A statement issued by B'Tselem called for security forces to cease using rubber bullets to disperse clashes, claiming that they were as fatal as live fire. (*Jerusalem Post, Ha'aretz*, 29 January)

186. On 30 January, Palestinians clashed with Israeli military police hours after the funeral of Zaki Obeid, a resident of Isawiyah who had been killed the previous week by a rubber-coated steel bullet fired by Israeli forces. The clashes moved from the cemetery to Isawiyah district in East

Jerusalem, as protesters threw stones and sought cover behind cars. Israeli troops responded by firing the same type of rubber bullets which had killed Obeid. (*Ha'aretz*, 31 January)

### 7. Aspects of the administration of justice

#### Military courts

187. On 5 November 1998, an Israeli citizen of Palestinian origin, Ibrahim Ukbi, was charged by the Lod Military Court with conspiring with Hamas to transfer suicide bombers from the Gaza Strip to Israel. The Court continued to detain Ukbi, who was not represented by a lawyer, until the end of the month. Ukbi said in court that he was unable to defend himself against the charges because he had been denied legal counsel. (*Ha'aretz, Jerusalem Post*, 6 November)

188. On 5 November, Tatiana Susskin, who was sentenced in January 1998 to two years in prison for posting caricatures of the Prophet Mohammed depicted as a pig on a storefront at Hebron, was released from prison for good behaviour. She was released after the prison authority's parole board reduced her sentence by a third. The General Security Service decided not to appeal the parole board's decision to the High Court of Justice. The 27-year-old was convicted of committing a racist act, supporting a terrorist organization, attempting to give religious offence, and attempting vandalism, for her action at Hebron on 27 June 1997. She was also convicted of endangering life on a road by throwing stones at an Arab driver the following day. (*Ha'aretz, Jerusalem Post*, 6 November)

189. On 6 January 1999, two Palestinians from Tal village in the West Bank were charged by the Dotan Military Court with the murder in August 1998 of two settlers from Yetshar. The Court continued to detain the defendants, who were not represented by a lawyer, for another 10 days. The defendants stated in court that they were innocent, and that all their confessions had been extracted through torture by the General Security Service. (*Ha'aretz*, 7 January)

190. On 13 January, the Military Court at Beit El remanded Nimer Male'sha, an alleged Islamic Jihad activist, after charging him with bringing to Jerusalem an attache case packed with explosives intended for a suicide bombing. He was reported to have changed his mind when he spotted a heavy presence of border police near the French Hill at Jerusalem. Male'sha denied the accusations and stated that all his confessions had been extracted through torture by the General Security Service. (*Ha'aretz, Jerusalem Post*, 14 January)

#### Intelligence files to which no access is possible

191. On 1 December 1998, it was reported that the Supreme Court had heard the appeal of a Palestinian whose murder conviction by the District Court might have constituted a miscarriage of justice. The District Court ruled that Abu-Sa'ada, while in prison as an administrative detainee, participated in the murder of another prisoner suspected by inmates of having collaborated with Israel. The conviction was based on the testimony of single witness who had been incarcerated with Abu-Sa'ada. The Public Security Minister imposed a special gag order on the testimony, blocking access to it even by Abu-Sa'ada's attorney, on the grounds that its publication would endanger the witness. The prosecutor declared before the District Court that the classified material did not contain anything relevant to Abu-Sa'ada's defence and that the three-judge panel had endorsed her position. After Abu-Sa'ada submitted his appeal to the Supreme Court, an officer from the State Attorney's Office examined the classified material and found in it evidence that could have been helpful to Abu-Sa'ada in defending his case. The Supreme Court gave the prosecutor two weeks to find the witness, who had been released in the meantime, had disappeared and was believed to be living in Jordan. (*Ha'aretz*, 2 December)

## D. Economic, social and cultural effects that such a general system of regulation and the manner of its enforcement has on the lives of the people of the occupied territories

192. On 6 November 1998, it was reported that according to a senior Palestinian Authority doctor the mortality rate among Palestinians giving birth in the Gaza Strip was six times higher than in Israel. A similar disparity existed among the babies being born. The Israeli NGO Physicians for Human Rights (PHR) asserted that these disparities were due to the Israeli health authority's negligence during two decades of occupation of the West Bank and Gaza Strip. According to PHR, Israel is still obliged legally and morally to develop the Palestinian health-care system. A senior Israeli Health Ministry official stated that during the years when these territories where controlled by Israel, it improved the public health system and the infant mortality rate, while the rate of death among women in labour had decreased. (*Ha'aretz*, 6 November)

193. On 10 November, it was reported that according to the latest periodical report of the Office of the United Nations

Special Coordinator in the Occupied Territories (UNSCO), the September 1998 closure of the West Bank and Gaza Strip would diminish the moderate gains made by the Palestinian economy during the first half of 1998. Prior to the September closure, the number of Palestinian workers in Israel had increased significantly due to more leniency on the part of the Israeli Ministries of Defence and Labor. The report predicted that the September closure would diminish the potential for increase in the national income, which would need to be increased by 5 per cent in order to maintain the otherwise decreasing levels of personal income. (*Ha'aretz*, 10 November)

194. On 18 November, officials from both Israel and the Palestinian Authority met near Jerusalem to discuss increasing the number of Palestinian workers from the occupied territories who were allowed to enter and work in Israel. According to security service data, 29,700 Palestinian workers were allowed to enter Israel during the September/October curfew, under special permits to enter during a state of emergency. They worked only in authorized establishments, were at least 27 years old and had worked in Israel for the last two years. About 60,000 Palestinians currently worked in Israel in situations other than states of emergency (75 per cent in the construction field). (*Ha'aretz*, 18 November)

195. On 27 November, it was reported that Israel planned to spend $1.2 million to fund security measures at Al Aqsa Mosque by setting up electric fences and cameras. The new Israeli measures were sparked after Jewish plans to attack the mosque were uncovered. Palestinian officials opposed the new measures as part of Israeli plans to control the mosque. (*The Jerusalem Times*, 27 November)

196. On 30 November, in his speech before the donor nations at Washington, D.C., President Yasser Arafat estimated the Palestinian loss to be no less than $7 billion during the previous four years. Arafat said the closure had deprived Palestinians from using trade agreements they had signed with the European Union and the United States. Arafat also pointed out that Israeli restrictions and closures had halted projects of the donor nations themselves. (*The Jerusalem Times*, 4 December)

197. On 14 December, Israeli, Palestinian and United States leaders declared the Monitor (Karni) Industrial Zone open, emphasizing their hope that it would alleviate unemployment in the Gaza Strip and attract international investors. However, a *Ha'aretz* reporter observed that the industrial park was still not active. Only 27 of the 500 dunums of land allotted to the park had been developed. (*Jerusalem Post*, *Ha'aretz*, 15 December)

198. The Palestinian Monetary Authority said in its recently published 1997 annual report that the economic decline during the second half of 1997 had killed hopes for sizable economic growth. The report indicated that the Palestinian economy had witnessed heavy pressure in 1997 due to the unstable political and security situation resulting from the hard-line position adopted by the ruling Israeli Likud party. The report said that because of a failure to move forward in the peace process, the standard of living had continued to deteriorate, while unemployment and poverty levels had increased. Palestinian economic activity, investment and expenditure continued their downward trend. The report blamed the Israeli closure policy for the loss of income incurred by Palestinian workers in Israel. It also said that trade had suffered, resulting in a decline in production and investment due to a loss of confidence in the Palestinian territories. (*The Jerusalem Times*, 25 December)

199. On 6 January 1999, in an unprecedented measure, the Government of Israel impounded four cars belonging to the British Consulate in East Jerusalem as part of a tax campaign to collect NIS 1.7 million (US$ 425,000) in retroactive taxes levied on Palestinian employees working for the Consulate. The Consulate, which had refrained from paying those taxes on behalf of local staff, considered East Jerusalem as an occupied city. (*The Jerusalem Times*, 8 January)

200. On 10 January, an American and a Canadian were arrested at Hebron when they tried to get between Palestinian demonstrators and Israeli border patrol officers. The two were members of the Christian Peacemaker Team, an NGO based at Chicago. IDF aimed their weapons at the demonstrators, who were holding a peaceful march from H1, the part of Hebron controlled by the Palestinian Authority, to H2, the part controlled by Israel. The group of 100 Palestinians was protesting the curfew imposed on the city. (*The Jerusalem Times*, 15 January)

201. On 31 January, a commercial strike was observed in East Jerusalem to protest the demolition of a house at Issawiya that led to clashes and the killing of the house owner. Fatah activists in the Jerusalem area, who organized the strike, warned Israel against the continuation of its decades-long policy of house demolition and land confiscation. (*The Jerusalem Times*, 5 February)

## E. General sense of hopelessness and despair

202. On 6 November, it was reported that the Israeli Government had halted discussions on ratification of the Wye accords after receiving news of the bomb attack on Jerusalem's Mahaneh Yehuda market. In response to the

attack, Prime Minister Netanyahu promised to "act to secure its citizens and strengthen Israel's capital, Jerusalem". The attack wounded 21 people. (*Jerusalem Post*, 8 November)

203. On 1 December, it was revealed that six Israeli settlers suspected of posing a threat to Palestinians had been given orders either barring their entry into the West Bank or restricting their movement to certain areas of the West Bank. Israeli military officers signed the orders based on the recommendation of security, police and legal officials. A military source stated that travel bans were seldom used against Israelis, but that the General Security Service had information that these people were a danger to Palestinians. (*Jerusalem Post*, *Ha'aretz*, 1 December)

204. On 13 December, the Israeli Prime Minister indicated at a news conference with United States President Clinton at Jerusalem that the Israeli withdrawal scheduled for a few days later would not take place on schedule. Even if there were a vote in the Palestinian National Council to reaffirm the nullification of the relevant Covenant sections, the withdrawal would not take place because the Palestinians "continue to violate the agreement". (*Ha'aretz*, *Jerusalem Post*, 14 December)

205. On 15 December, President Clinton left Israel after a three-day visit during which he failed to convince the Israeli Government to commit itself to the next West Bank redeployment. According to the Wye agreement, Israel was to have withdrawn from 5 per cent of the West Bank which it fully controlled (Area C). According to *Ha'aretz*, the American Administration was convinced that the Israeli refusal was linked to Prime Minister Netanyahu's desire to gain right-wing support during the next vote in the Knesset, and had nothing to do with his claims about Palestinians' violation of the agreement. (*Ha'aretz*, *Jerusalem Post*, 16 December)

206. On 20 December, the Israeli Cabinet approved Prime Minister Netanyahu's proposal that Israel not move forward with the implementation of the Wye agreement until the Palestinians fulfilled Israeli demands. (*Jerusalem Post*, *Ha'aretz*, 21 December)

207. Palestinian officials condemned the delay of the second phase of redeployment in the West Bank, scheduled for 18 December. According to the Wye memorandum, Israel was to transfer five per cent of West Bank land to joint Palestinian and Israeli control. Prime Minister Netanyahu firmly refused to release additional Palestinian political prisoners. Netanyahu also imposed new conditions on Palestinians, including a ban on mentioning their intention to create a Palestinian state. (*The Jerusalem Times*, 18 December)

208. On 22 December, Palestinian leaders painted a bleak picture of the political stalemate and violent confrontations during the run-up to Israeli elections. In the corridors of the Palestinian Legislative Council, which met at Ramallah, there was general concern that the campaign would bring a further expansion of settlements, unchallenged by the international community, with the concurrent withering of the Wye agreement. "The elections will be used by the Israelis as an excuse to avoid fulfilling the agreement" said Salah Salameh, a Fatah representative of the Balata refugee camp near Nablus. (*Jerusalem Post*, 23 December)

## III. Situation of human rights in the occupied Syrian Arab Golan

209. On 25 November, the Knesset Law Committee postponed a vote to prepare the so-called Golan Heights bill for first reading since there was no legal determination of the condition of public referendum. The bill called for any concession to be approved by at least 61 Knesset members and in a public referendum. (*Jerusalem Post*, 26 November)

210. On 30 November, it was reported that the Knesset Constitution, Law and Justice Committee Chair was pushing forward proposed legislation on referenda to ensure that the issue of withdrawal from Golan Heights would not only require Cabinet and Knesset approval but would also need to win the public's approval. The bill stated that "... the Israeli government will not give up sovereignty or control over territories or part of territories, including future concession, unless the concession is approved by a majority of Knesset member and by referendum". (*Ha'aretz*, 30 November)

211. On 30 November, it was reported that the Golan Heights Regional Council had applied to the Settlement Division at the Zionist Histadrut in order to establish a Drozic settlement in the Golan Heights. The designated land was located near the village of Masa'da, in the North of the Golan. Within the Council's jurisdiction, there were 32 Jewish settlements. A source within the Council stated that the target of establishing such a settlement was to strengthen ties between the Drozic community and the State of Israel. Another reason, said the source, was related to the difficulties of establishing new settlements these days in the Golan Heights (original news story contained this reference without further explanation). (*Ha'aretz*, 30 November)

212. On 30 November, a bill which required that any change in the statute of the territories subject to Israeli law or jurisdiction be passed by at least 61 Knesset members and

approved in a national referendum was approved for a first reading by the Knesset's Constitutional Committee. The bill was aimed at thwarting any decision by the Israeli Government to return all or part of the Golan Heights (where Israeli jurisdiction was established in 1981) to Syria. (*Ha'aretz*, 1 December; *Jerusalem Post*, 3 December)

213. On 10 December, the Israeli Interior Ministry gave special authorization to the Mondir family from Ein Qunya village in the Golan Heights to travel to the Syrian Arab Republic in order to take part in the funeral of a family member who had been killed in a traffic accident. The authorization was given once all security considerations had been taken into account. (*Jerusalem Post*, 11 December)

214. On 17 December, it was reported that a "policy" document regarding the expansion of Jewish settlements had been recommended as a priority the expansion of, *inter alia*, Jewish settlement in the Golan Heights. A professional team from the Division of Planning and Construction in the Israeli Interior Ministry had prepared the report. (*Ha'aretz*, 17 December)

215. On 4 January 1999, the Knesset plenum approved the first reading of a bill that would require any Israeli withdrawal from the Golan Heights to be approved by an absolute majority of 61 members of the Knesset, and a simple majority of citizens voting in a national referendum. The bill was supported by 55 coalition members and opposed by 35 opposition members; 18 members from the Labour Party abstained. Many of those who voted against the bill said that they would have voted in favour if the vote had not turned into a no-confidence vote. (*Ha'aretz*, 5 January)

216. On 26 January, the Knesset gave its final approval to the so-called Golan Heights bill. The bill required the approval of 61 Knesset members as well as a majority in a national referendum, before ceding sovereign territory. However, further to a change in the bill approved by the Knesset, the requirement for holding a referendum would only take effect after the Knesset legislated a basic law on the matter. The referendum legislation was to be advanced only during the next session of the Knesset. (*Jerusalem Post*, *Ha'aretz*, 26, 27 January)